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MARCH 31, 1978

es Burnham Asks:
Y NOT SUPPORT
RHODESIA?

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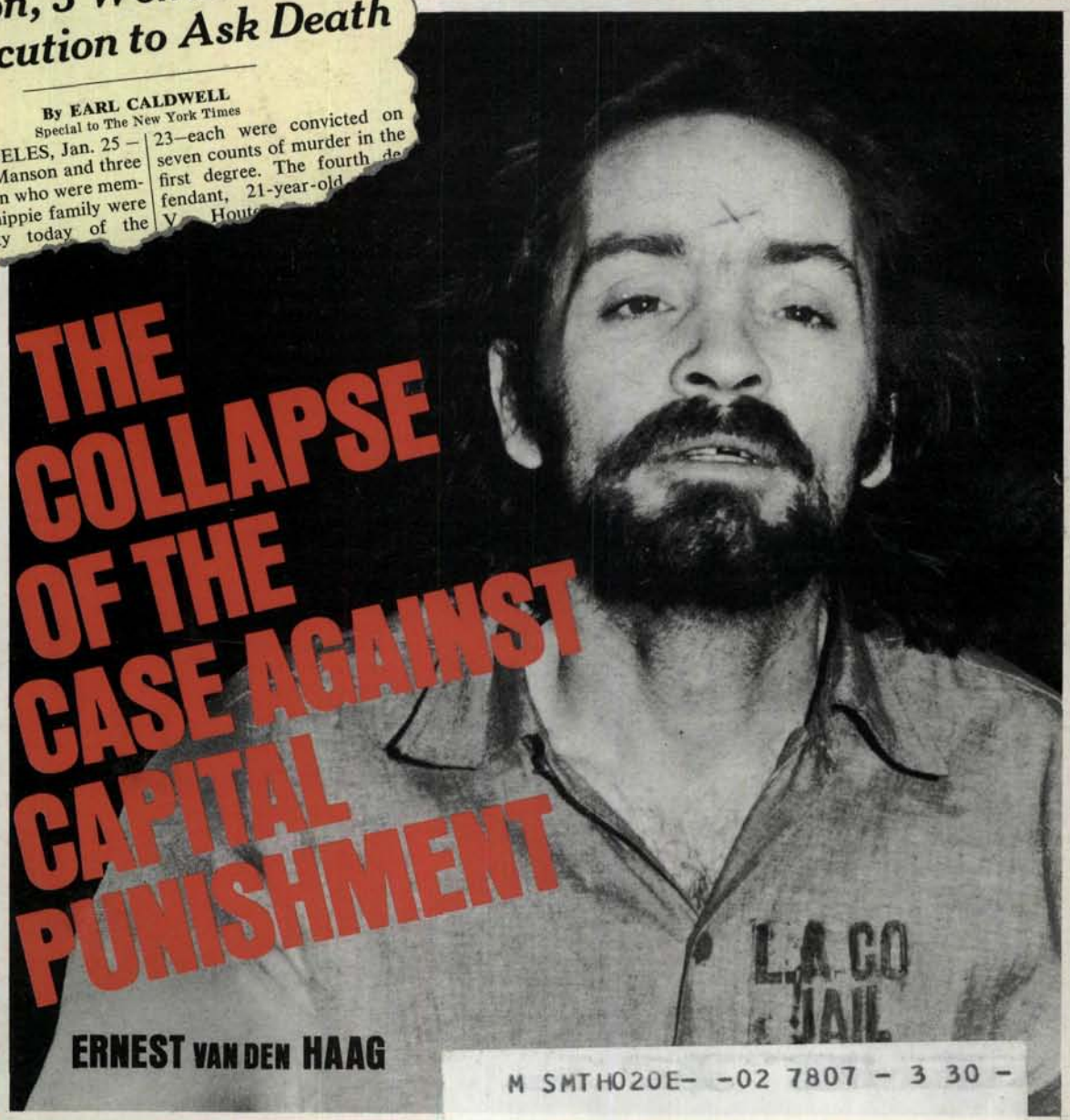
NATIONAL REVIEW

Manson, 3 Women Guilty; Prosecution to Ask Death

By EARL CALDWELL
Special to The New York Times

LOS ANGELES, Jan. 25 — Charles M. Manson and three young women who were members of his hippie family were found guilty today of the

23—each were convicted on seven counts of murder in the first degree. The fourth defendant, 21-year-old



THE COLLAPSE OF THE CASE AGAINST CAPITAL PUNISHMENT

ERNEST VAN DEN HAAG

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"They create a wilderness, and call it a renewal."
—*Tacitus paraphrased*

LITURGICAL REVOLUTION

Michael Davies

The Second Vatican Council and its aftermath accomplished, ı less than a decade, a revolution in the Catholic Church. With redictable results. Liberals welcome the revolution with guarded ıthusiasm: "It's a *beginning* . . ." Rank-and-file Catholics have ıixed responses: confusion, relief at the easier discipline, shock at ıe easier discipline, apathy, and a readiness to give up going › church. Traditional Catholics regret the changes—some ıerely dragging their heels, others with bitter resistance.

Among the loyal opposition, no one has written more trenchantly than British Catholic convert Michael Davies. The liturgy is his special interest; but he sees the Old Mass not simply as beautiful ceremonial, but as the cutting edge of Catholic belief. In Volume I of this imposing trilogy, Mr. Davies recalls how the Old Mass was once before taken from English-speaking Catholics. Volume II reviews how the liberals worked their will at the Second Vatican Council.

VOLUME I

CRANMER'S GODLY ORDER

This short book is a model of historical synthesis. Drawing pon the best of Catholic and Protestant scholarship (Hughes, Messenger, Chadwick, Fortescue, Clark, Gasquet, Harrison, Fletcher) and on primary sources (the Sarum Missal, the 1549 *Book of Common Prayer,* and the writings of the leading Protestant Reformers), Michael Davies traces the steps by which the ancient Catholic Mass became the Lord's Supper in the Church of England. ınd these steps *were* changes—as popes and Reformers alike vere at pains to stress. Thomas Cranmer, Archbishop of Canterbury ınder Henry VIII and Edward VI and architect of the new ıturgy, was a master of the theology of the Mass, and hated it.

Ironically, this book may have another effect, far different rom the author's intention. It can provide powerful arguments or Anglicans and Roman Catholics working for the reunion of heir Churches—since the Anglican liturgy as here depicted can ›e made compatible with the New Mass.

A Hint of the Valuable Quotations in These Pages

- "It is difficult for anyone without a knowledge of anthropology to appreciate fully the astonishing audacity, the profound disturbance to the unconscious levels upon which society lives its life, of such an action as the substitution of an English liturgy for the age-long Latin rite of Western Christendom in which Englishmen had been swaddled time out of mind . . . nothing can detract from the revolutionary audacity of such an interference with the customary, the subconscious, the ritual element in life."
  —A. L. Rowse, *The England of Elizabeth*
- "Liturgies are not made, they grow in the devotion of centuries."— Owen Chadwick, *The Reformation*
- "History has proved a thousand times that there is nothing more dangerous for a religion, nothing is more likely to result in discontent, incertitude, division and apostasy, than interference with the liturgy and consequently with religious sensibility."
  —Professor Johannes Wagner, Director of the Liturgical Institute of Treves

VOLUME II

POPE JOHN'S COUNCIL

This monumental work on Vatican II is the definitive critique by a traditional Catholic. Drawing on the spectrum of available literature—conciliar documents as well as scholarly and popular works—Michael Davies demonstrates why the Council was an epochal victory for the liberals, and why those conservatives who defend it are playing the enemy's game. With overwhelming documentation, he portrays the Council in its twofold dimension. He shows some conciliar documents to be gravely flawed for their ambiguity, for their puffery, above all for what they omit. But he also repairs a gap in conventional conservative analysis by weighing the Council as an event, as a symbol. In dispute after dispute, he takes us behind the scenes to reveal how the liberals won the day . . . and how they went on to cement their victory, often with the help of Pope Paul VI.

This is *the* book on the Council for those Catholics who revere their tradition. For those who deplore the Council, it marshals the arguments as never before. For those who maintain that the Council was not a defeat for Catholic belief and tradition, this book offers a challenge they will have to confront, or be dismissed as lightweights.

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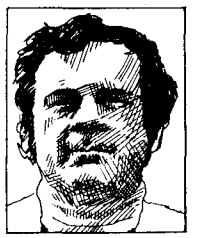

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Linus Pauling, Ph.D.

VITAMIN C AND HEART DISEASE

Can vitamin C protect you, and how much should you take?

Heart disease and related diseases of the circulatory system are the main cause of death in the United States. Over one million people die of these diseases each year, and probably more than five million people now living are suffering from them in a significant way.

There is no doubt that heart disease is related to the diet. In the 1976 Congressional Hearings on the relation between diet and disease the nation's top health officer, Dr. Theodore Cooper (Assistant Secretary for Health in the Department of Health, Education, and Welfare), stated that

> "While scientists do not yet agree on the specific causal relationships, evidence is mounting and there appears to be general agreement that the kinds and amount of food and beverages we consume and the style of living common in our generally affluent, sedentary society may be the major factors associated with the cause of cancer, cardiovascular disease, and other chronic illnesses."

For about 25 years the major culprits in cardiovascular disease have been thought to be saturated fats, cholesterol, and related fat-like substances (lipids). A tremendous campaign has been waged to promote diets with low cholesterol, low saturated fat, and increased polyunsaturated fat. Despite this campaign, the death rate from cardiovascular disease has remained constant during the last 25 years, and it now seems to be almost certain that the assumption that heart disease is caused by a high intake of saturated fats and cholesterol is wrong.

This development does not mean that diet is not important. A high intake of ordinary sugar greatly increases the incidence of cardiovascular disease (see "Sugar: Sweet and Dangerous" in *Executive Health*, Volume 9, Number 1, 1972). Moreover, much evidence has been gathered recently to show that cardiovascular disease can be controlled to a considerable extent by the proper use of vitamin C.

What is cardiovascular disease?

The general term cardiovascular disease comprises various diseases of the heart and blood vessels. Arterio-

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Letters

Rights, and Wrongs

Jere Real and M. J. Sobran Jr. ["Gay Rights and Conservative Politics," March 17] each offered illuminating insights; although I found that the exchange as a whole suffered somewhat from an inevitable problem with discussions of this topic. You can only *argue* with someone (as distinguished from *opposing* him) if you share certain common assumptions. In this case, Mr. Real and Mr. Sobran begin with opposite assumptions as to the question under discussion, Mr. Real saying that homosexuality is not a moral question at all and has no business being a point at public issue, Mr. Sobran saying that homosexuality is simply wrong, although individual homosexuals may be likable and otherwise good people. Thus your two writers are speaking across, rather than to, each other.

I happen to agree with Mr. Sobran; in addition, I found his little vignette about "Harry" rather touching, and tactfully handled, and his analysis of the semantics of the "rights" campaigns extremely important. I do not agree with Mr. Real, but I thought some of his points were well taken—particularly the point about deliberately wounding humor. People do choose to be Gay Righters, but they do not, for the most part, choose to be homosexuals (although judging from what they have written on the subject, various prominent English homosexuals would seem to disagree with Mr. Real's categorical assertion that "One can no more 'encourage' sexual preference than 'discourage' it"). Therefore editorial, or personal, sarcasm directed against homosexuals is not the same sort of thing as sarcasm directed against, say, liberals, or followers of Bella Abzug, or vegetarians.

Cambridge, Mass. BOB TILLIARD

Meeting the World

Painful as it is, I am struck by the similarity between views expressed in James Burnham's "Jimmy Meets the World" and George Kennan's *The Cloud of Danger*, as reviewed by Norman Hannah (both in your February 3 issue). That Kennan has turned from realist to utopian to foolish since 1947, we knew from his books, BBC lectures, and long interview in *Encounter* (September 1976). But who would have thought that Burnham would ever exonerate all post-1945 American Presidents, and, by implication, our foreign policy, from the reasonable charge of pursuing a downhill course?

Whom do we believe: "Mr. X" of 1947, or the erudite puritan who, finding America less moral in the 1960s and '70s than she was at the time of his eighteenth century ancestors (this is a quote from *Encounter*), exhorts her to withdraw from the world, since the Russians are human too? Whom do we believe: Burnham, author of *Suicide of the West* and *NR*'s clear-headed columnist for two decades, or the Burnham of the third decade who finds that nothing much has happened since 1945 to upset America's position in the world?

New York, N.Y. THOMAS MOLNAR

Striking Back

M. Stanton Evans' examination of FDA meddling in the drug industry ["The Lawmakers," Feb. 17] was typically trenchant and illuminating. He did, however, fail to mention one particular pastime the bureaucrats like to indulge in: discovering a drug, formerly considered efficacious by the medical community and, presumably, by the FDA itself, to be suddenly inefficacious.

In the past 18 months the veterinary profession has lost to government edict four drugs that have been used safely and effectively by veterinarians for many years. A vitamin–steroid preparation for skin disease, a vitamin–hormone preparation for geriatric animals, a topical antibacterial powder, and an antibacterial–muscle relaxant–urine acidifier for the feline cystitis/urolithiasis complex have all been declared useless and removed from the market. In the meantime the veterinary profession and its clients suffer. Similar losses to the human medical community are no doubt much greater.

The rationale escapes me. Does pathology change? Does physiology change? Do pharmacodynamics change? No. Or do federal drug-efficacy criteria change? Yes, under the sharp pencil of some doodling desk jockey. Perhaps we should give the franchise to horses. It seems, anatomically speaking anyway, they and the FDA have something in common.

Houston, Tex. B. C. ROBISON, DVM

The Left's Useful Myth

In a recent editorial [Feb. 17] you commented on a proposed Nazi parade in a predominantly Jewish town in Illinois.

I doubt if there is more than a handful of these self-appointed Nazis in this country. However, the state of anxiety aroused by their existence is magnified to the level of absurdity. Our liberal friends have seen to that by conjuring up the specter of an impending neo-Nazi menace for over thirty years now. Why? Obviously, they

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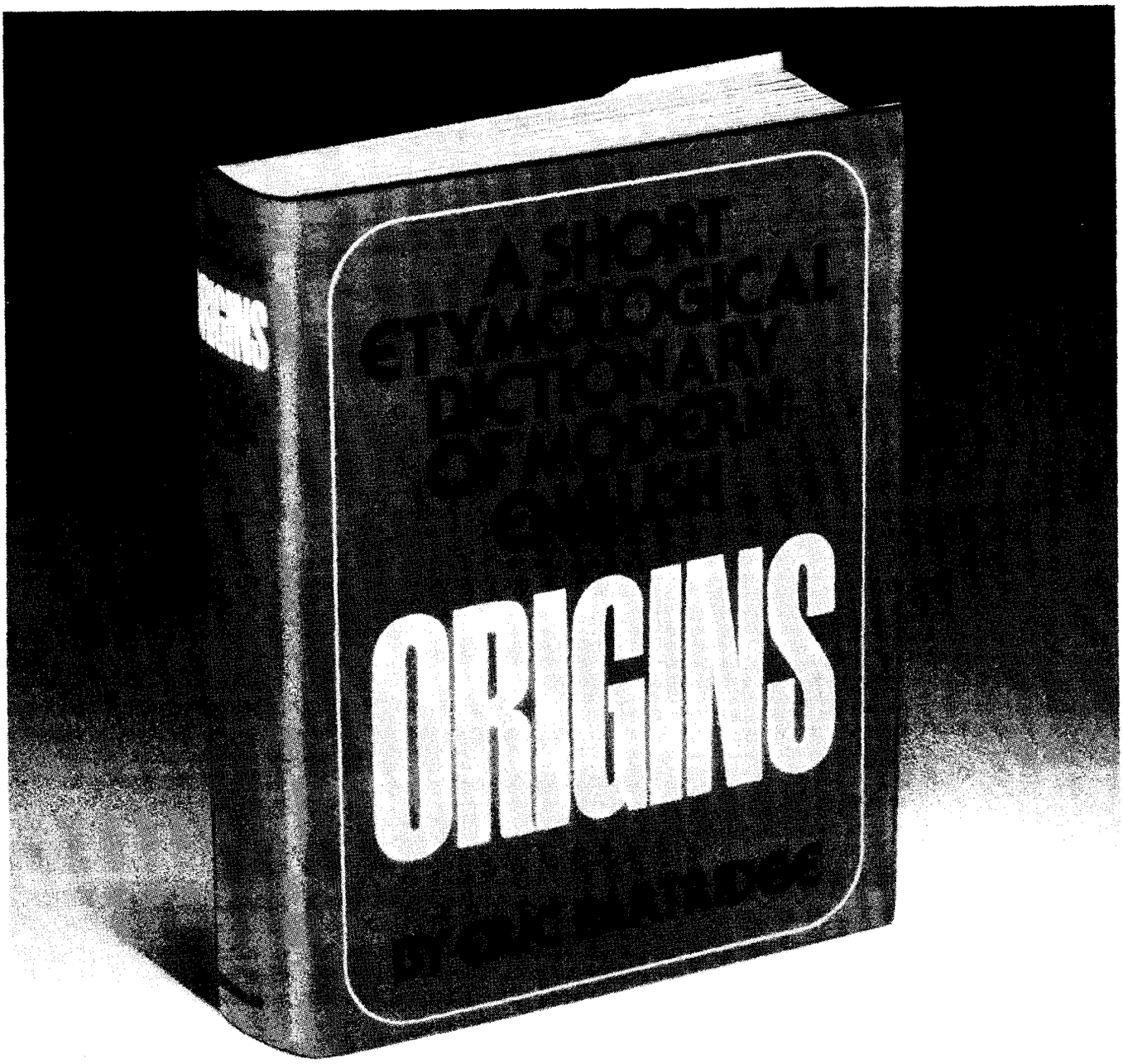

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have found it to be an extremely effective means of keeping our attention from focusing on the true menace of the present and the future: Communism and its allies.

I am sure that we will all agree that Communism and Nazism (or Fascism) are comparable evils. But whereas the former flourishes today as a brutal worldwide power that is self-admittedly dedicated to the goal of conquering the world, the latter exists only in the minds of a few fanatics.

The Left has an excellent reason for perpetuating a mythical danger from the so-called Far Right. By doing so they appear to emerge as champions of liberty and archenemies of totalitarianism while, in fact, they are methodically grinding on toward their goal of world domination.

ALFRED W. CORRING

Englewood Cliffs, N.J.

Here's to You!

Re Cato's item on National Health Insurance [Feb. 17]: If Wilbur Mills hadn't become an alcoholic, we might already have had socialized medicine rammed down our throats.

Let's set 'em up for Carter and Califano!

Altamonte Springs, Fla. SVEND PETERSEN

The Cooperators

John T. Noonan Jr. ["New Phase in the Battle," March 3] has brought to mind a question that has been rankling me.

Pope Paul is threatening to excommunicate the 71-year-old French Archbishop Marcel Lefebvre because he holds a nostalgia for the Latin Mass, which was the accepted liturgy when he was ordained almost fifty years ago. Pope Paul also recently warned leaders of the Brazilian government that violation of human rights (apparently taking a page out of President Jimmy Carter's book) is no way to set up a law-and-order society. These, to me, are petty matters to get excited about when such a serious matter as abortion, practiced almost worldwide, draws only a slap on the wrist.

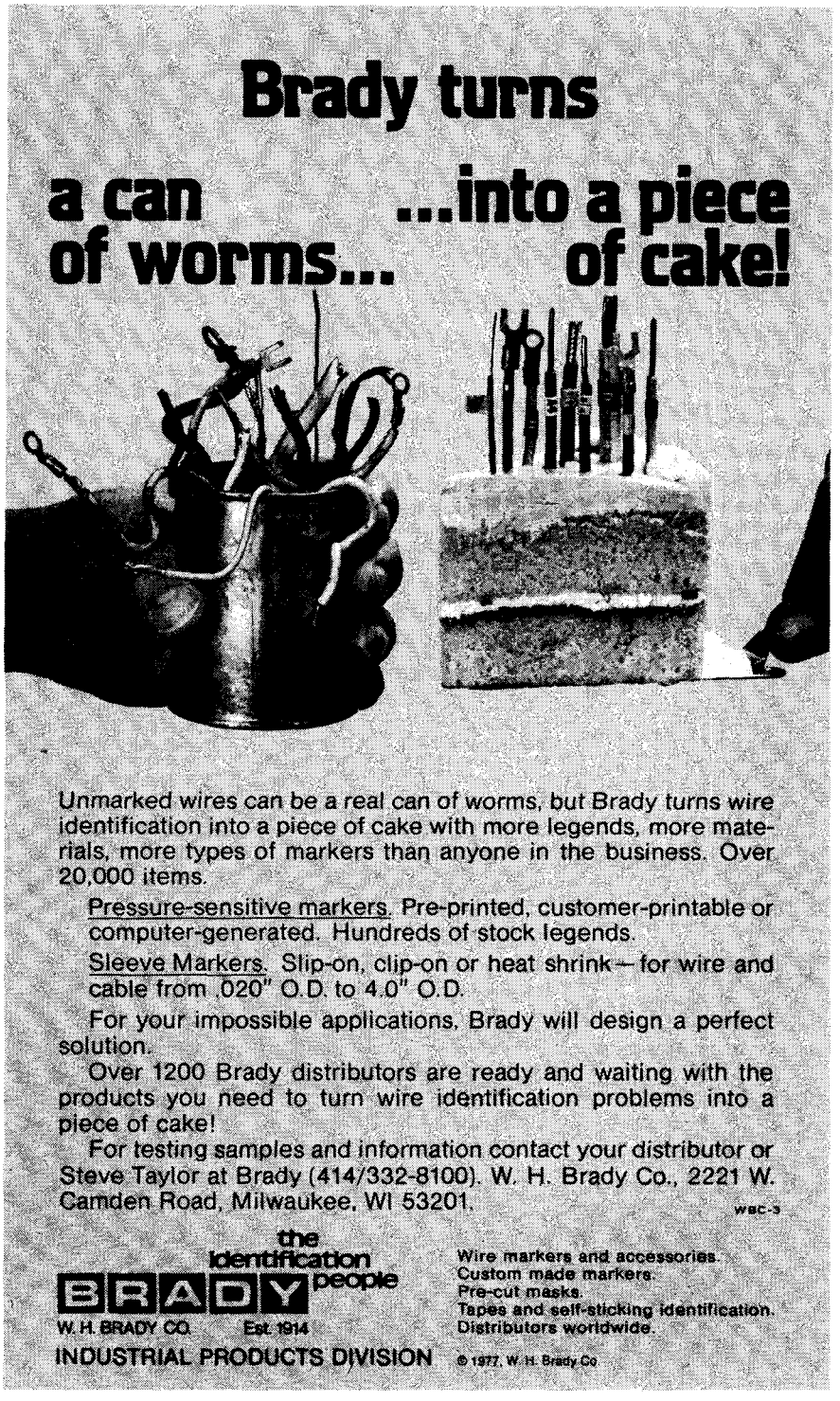
A very recent edition of the Catholic Encyclopedia states that excommunication is imposed according to certain reservations, among which is, 4) Reserved to the Ordinary: All who procure an abortion including the mother and all *cooperators*. It appears to me that Justice Brennan, a Roman Catholic, is a cooperator by reason of his sharing in the majority opinion in the case of *Roe* v. *Wade*, which opened the flood-gates allowing the murder of a million or more unborn infants each year in the United States. Congressman Drinan, a Roman Catholic priest, was more interested three years ago in crucifying President Nixon for minor infractions than in defending the right to life. I have never heard that he has spoken in opposition to the prevalent abortion practices. Why does Pope Paul not take any action to excommunicate these individuals?

Madison, Wisc. LOUIS A. WILHELM

The USPS as Goliath

Mr. Richard Brookhiser has fairly and with sympathy outlined the legal and economic arguments surrounding the P. H. Brennan Hand Delivery Service in Rochester ["Their (Dis)appointed Rounds," Nov. 11]. One cannot help sympathizing with a band of young entrepreneurs who take on the monolithic and gargantuan U.S. Postal Service in what amounts, for the Brennans and their hardy band, to a life-and-death struggle.

Yet, when one examines the hard, cold legal arguments and precedents, one must conclude that the government has the weight of law on its side. Article I, Section 8, Clause 7 of the Constitution provides "Congress shall have power to establish post offices and post roads." The powers granted Congress are extraordi-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narily broad; in fact they are a constitutional monopoly, as interpreted by the courts. The Assistant U.S. Attorney in Rochester is correct in stating there are no court cases which support the Brennans' position.

The issue, however, is one that belongs properly in the Congress and not in the courts. Our elected representatives are in a better position to determine what is or is not in the public interest in all areas of the country.

As a public interest law firm, concerned about the preservation of our private institutions, open competitive society, and the rights of small businessmen to be free from abusive federal power, we studied the Brennan case very carefully to see if we might develop legal arguments to support their position. It was our conclusion that the judiciary is not the proper forum for this case.

Washington, D.C. LEONARD J. THEBERGE
President, National Legal
Center for the Public Interest

I fail to see how Richard Brookhiser has refuted the "cream-skimming argument" of the United States Postal Service. He nullifies his own contention that "private carriers have done well in some non-urban circumstances" in his next sentence, which reveals that these circumstances took place in one state over a century ago. Nor can you compare delivery service confined to an area such as that served by the Brennans, to the complexity of a nationwide operation such as the Postal Service.

In addition, mail rates during the Pony Express days were astonishingly high compared with those of today for delivery anywhere in the continental United States. Certainly 13 cents is little enough to pay in the face of today's inflation, which has risen much faster than the price of postage.

Make no mistake; I am not an apologist for the USPS. As a recent former letter-carrier in my small town, I am well aware of the incompetence of the arrogant nincompoops in managerial and supervisory positions. But let us be fair. According to Mr. Brookhiser, on a heavy day the Brennan crew of four handles up to a thousand pieces of mail, which is divided into four routes. I routinely sorted and delivered at least that much mail every day, in addition to delivering between ten and fifty parcels of varying sizes with weights of up to 45 pounds.

Manteno, Ill. BERNICE M. CARROLL

First and ?!

I give up. How *did* that Communist football team get the ball "first and one on our 15-yard line"? [D. Keith Mano, reviewing William Davis' *It's No Sin to Be Rich*, Feb. 17].

I have pored over the rule book until I am bleary-eyed. I have put the question to two college football coaches, three newspaper sports writers, four high-school football coaches, two junior-high-school football coaches, two well-qualified Southeast Conference football officials, and the reference desk at the public library. Nothing and no one has been able to explain to me how any football team, under the rules as they exist now, or under any rules that ever existed, can get possession of the ball on the 15-yard line, with a first down, and one yard to go for a first down.

Coach Cafego at the University of Tennessee, in Knoxville, came the closest. He said, "Obviously, there was a nine-yard penalty against the defense." When I asked what infraction merited a nine-yard penalty, he hung up the phone.

I feel like the host of the country inn, in the old story, whose departing guest dropped a pound of Limburger cheese down the hollow leg of the big brass bed, put the big brass ball back on top, and went on his way.

Two weeks later the innkeeper wired, "I give up. Where is it?"

Oak Ridge, Tenn. W. M. WOODS

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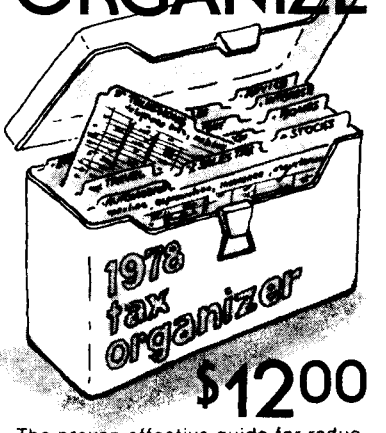

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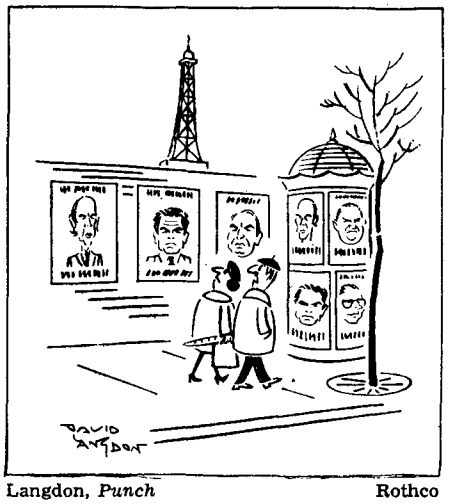
FOR THE RECORD

■ How much money has been poured into the fight over the Panama Canal treaties? The *Christian Science Monitor* estimates $2.7 million, with the anti-treaty lobby spending $5 for every $1 spent by pro-treaty forces. The **Conservative Caucus** (**Howard Phillips**/New Right) and the ACU are reported to have spent about $1 million each. . . . The Senate debate over the treaties is, says *U.S. News*, the Number One hit on **Panamanian** radio these days. . . . When Sen. **Edward Zorinsky** (one of the last of the "undecideds") wanted to know what his constituents thought, the *Omaha World Herald* obliged. Its poll showed 62 per cent opposed to the treaties, but the vote split 45 to 40 per cent in favor of the treaties as they are now being revised. . . . **Muriel Humphrey**'s maiden speech was not, as expected, in favor of Humphrey-Hawkins, but in favor of the treaties. "We are a world power, but do we have to prove it by flexing our muscles against little Panama?" . . . Sen. **Robert Packwood** (R., Ore.) was outraged by the wheeling and dealing over the treaties by the White House, and threatened that he might vote against the treaties in protest. . . . **Edward Brooke** (R., Mass.), another last-minute fence-sitter, reported he had gotten a "rather crude" offer from **Jimmy Carter** to win his vote. . . . And that outraged **Jody Powell**, who said (first), "I don't know of any trades on Panama Canal treaties," and (second), "I suppose it depends on what you call a trade." . . . **John Wayne** has been getting his lumps over his approval of the pacts from erstwhile admirers who have "started sending me letters saying I'd fallen off my horse too many times."

■ Storm warnings ahead for Jimmy Carter on the Hill. Speaker **Tip O'Neill**, having consulted House members who have consulted their constituents, reports the new **Social Security** tax hikes (which will hit hard next Jan. 1) must be rolled back. Until a fortnight ago O'Neill had supported the White House on increased SS taxes. . . . Sen. **Henry Jackson**, whose disposition was not sweetened by the refusal of the Soviet Union to give him a visa, says there's no way the Senate will ratify a SALT accord this year, thanks to Soviet-Cuban incursions in Africa. . . . Majority Leader **Robert Byrd** tends to agree. Cuban and Soviet "adventurism in the Horn," he says, "is a direct challenge to detente." . . . On the plus side, Communist advances in Africa have scared many Americans. **Opinion Research** says that 48 per cent of Americans now feel the U.S. should be stronger than the USSR, and most would be willing to pay for it.



Langdon, *Punch* Rothco

"I preferred it when it was simply 'Votez Oui' or 'Votez Non'."

■ While the U.S. and the other Western nations abstained from a Security Council resolution condemning the so-called "internal solution" to the **Rhodesian problem**, four liberal senators on the Foreign Relations Committee—Republicans **Clifford Case** and **Jacob Javits** and Democrats **Richard Stone** and **John Sparkman**—called on the U.S. Government to give "serious consideration" to that solution and not to "reject it out of hand." . . . Although neither the U.S. nor Britain did anything about it, both U.S. Ambassador **Andrew Young** and British UN Ambassador **Ivor Richards** "deplored" the refusal of the Security Council to hear moderate Rhodesian black leader Bishop **Abel Muzorewa**. . . . A week earlier the British and U.S. delegations at the UN were at sword's point over Young's remark that Britain might "walk away from the Rhodesian problem" as it has from others in the past. British Foreign Secretary **David Owen**, in Washington for talks, flew directly home canceling a scheduled visit with Young at the UN.

■ Honored: The Veterans of Foreign Wars has awarded its gold medal of the year to former CIA Director **Richard Helms** for his part in "protecting national security." . . . YAF's annual Freedom Award will go to **Simas Kudirka**, the Lithuanian sailor who tried to defect to the U.S. and was handed back by the U.S. Coast Guard. . . . And the **Heritage Foundation** (513 C Street, Washington, D.C. 20002), which puts out immense chunks of valuable conservative research material, has been voted the **Freedom Foundation** award in the Americana category.

■ Gov. **Dixy Lee Ray** of Washington, former atomic energy chief, thinks both **Jerry Brown** and Jimmy Carter are wacky in their anti-nuclear energy stances. Says the outspoken Ms. Ray: "You've got more of a chance of being squashed by a falling meteor than of being injured in a nuclear power plant disaster."

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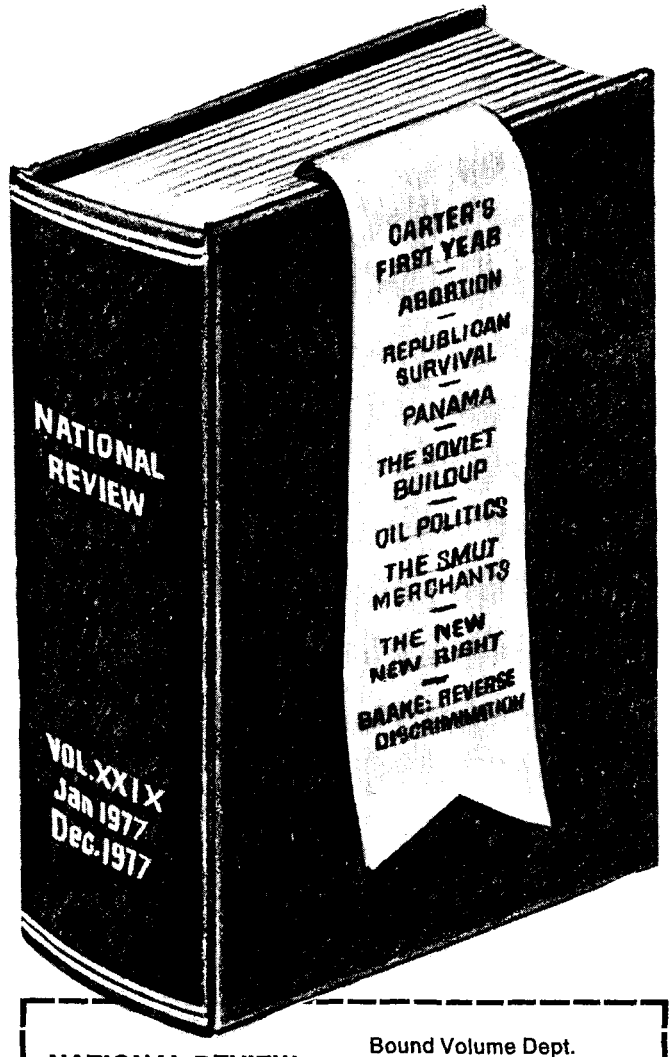

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THE WEEK

■ SUNBURST OF THE WEEK: It was on New Year's Eve, 1956, recalls Michael Harrington in the *New York Times Book Review*, that, at an Upper West Side party, after singing "Auld Lang Syne" and the "Internationale" with a man who turned out to be a Communist lately stunned by Khrushchev's revelations about Stalin—it was, we say, then and there that, Mr. Harrington confesses, he "began to perceive a complex truth that a number of former Communists were to prove for me in the years to come: that it was possible for people to rationalize away or blind themselves to some of the most monstrous political crimes of the century and yet remain good and decent individuals. Indeed"—now try to keep your eyes open, reader, and clutch the nearest bannister for support—"many of them, motivated by a genuine belief in a fraudulent ideal, manifested courageous idealism in support of popular movements." Mr. Harrington goes on to articulate a number of other complex truths, but unaccountably neglects to name the dates and sites of their occurrence to him.

■ President Nixon's legendary voyage to Communist China is the subject of two recent interpretations. H. R. Haldeman (in his book, *The Ends of Power*) makes a big to-do about the Soviet plans to flatten China's nuclear plants with a pre-emptive nuclear strike in 1969; he says the American rapprochement with Peking made it impossible for Moscow to bomb China without risking a harsh confrontation with Washington. William Safire (in the *New York Times*, Feb. 16) says Nixon began cozying up to Mao shortly after taking office early in 1969, apparently without reference to any Soviet plan of attack (which, according to Haldeman, came to a head later in the year). The whole episode belongs in the We'll Probably Never Know category, but at least this much can be said: those who regard this as a smart balance-of-power move usually criticize severely two related policy decisions. The Chinese move required our "tilt" toward Pakistan, a Chinese client, and it also required the show-of-strength "Christmas bombing" of the North Vietnamese Soviet client on the Chinese border. Except in the sentimentalists' world, to say A one must in such matters say B and C as well.

■ No need to worry about the SALT II agreement. In a letter to the Senate Armed Services Committee, Paul Warnke, our chief negotiator, confidently assured the Senate that while the Soviets will indeed be able to cheat—there "will be areas of uncertainty," as he deftly put it—any cheating can be offset by the industrial and technological advantages we have over the Soviet Union. A handy example: the U.S. and USSR, according to Warnke, have agreed to ban all mobile, land-based intercontinental ballistic missiles. As we understand it, if the Soviets should deploy their new SS-16 in a mobile mode, we could respond by deploying the MX mobile missile. Get it? The only catch, admittedly a small one, given our technological prowess, is that while the SS-16 is already pointed our way (in fixed-site silos), the MX has yet to leave the drawing board.

■ In a secret memo to Defense Secretary Brown, Navy Secretary W. Graham Claytor fired a warning shot across the bow of the Administration's Naval policy-makers. The Navy, like all services, resents proposed restrictions as a matter of course; but Claytor's arguments look cogent. Current strategy calls for the Navy to concentrate on protecting sea-lanes. But "a 'sea lanes' Navy," wrote Claytor, "will not penalize the Soviets, will not hedge against the loss of Norway or the political loss of Iceland, and [in any event] concedes the Norwegian Sea to the Soviets." Some planners are also toying with the notion of leaving the Mediterranean to the French and the Italians, who have been incapable of defending it since, oh, Lepanto. Claytor's chief concern is that Carter planners will become fixated on Central Europe (or, in NATO jargon, the Central Front)—a dangerous fixation. "Weak NATO flanks and weak capabilities for contingencies such as Mideast crises," says Claytor, "may well make the Central Front . . . a military problem that the Soviets can isolate with victories elsewhere and solve at their leisure."

■ The Pentagon is asking Congress to give it discretion to assign women to combat duty. Since the forms of future combat will have more to do with technical competence than with the ability to shove a bayonet through an enemy's thorax, the idea is clearly practical, at least for certain phases of battle. And the women involved would be volunteers rather than conscripted mothers and little girls. All that is at stake is the principle of whether women should have a special status that, in keeping with the ideals of chivalry, would exempt them from violence. The reduction of people to their capacity for specialized functions is not in itself an enhancement of the human dignity to which a genuine egalitarianism appeals; interchangeability is not the same thing as liberation. On the other hand, there was Joan of Arc. We dunno.

■ A U.S. court of appeals has settled another sticky question, ruling that it's all right for public school administrators to require male teachers to wear a tie. The teachers' protest was based on the Symbolic Speech clause of the First Amendment, and the Women Have To Too clause of the Fourteenth.

■ Little noticed in recent years has been the whole-

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LETTER FROM WASHINGTON

For a number of uninteresting reasons, I have found myself recently forced to spend substantial chunks of time in a large Midwestern city. During one of those periods, as the wind blew three hundred miles per hour and the snow fell horizontally for days, I remained a prisoner in my hotel room. Except for a pornographic magazine left under the bed by some former lonely traveler (always look under the beds), a Gideon Bible, and a room-service menu, there was nothing to read. Nor, with the possible exception of suicide, did there seem anything to write about. Thus, the alternatives were few. One could drink and shout and march around the room and make faces at oneself in the various mirrors. Or take showers. Or take sleeping pills. Or watch television. And this last ghastly alternative, the flesh being what it is, is the one I chose.

It was a bleak week, and the fallen Archangel Agnew was once again on a few of our minds. There had been a Freedom of Information suit, and much of the documentation supporting the case against him had been released. But like the Haldeman book, it told us little. Nevertheless, for a brief period, we were saying that peculiar word "Agnew" again, and for a former believer trapped into the unwholesome practice of protracted TV watching, this had to color the way in which the shows—and particularly the newscasts—were perceived.

And sure enough, seen through the Agnevian eye, all the old biases were still shaping the selection of which stories to run and what aspects to emphasize. On the coal strike story, the great bulk of time was spent on filming and chatting with those striking miners who vowed to defy Taft-Hartley. One show brought two militant miners to its studio, where they sat around in swivel chairs and discussed such things as busting heads. On the Rhodesia story, there were a few shots of, and a few words from, Bishop Muzorewa, the nation's single most popular black leader. But most of the film time went to the elegantly tailored and splendidly bejeweled Marxist bandit leader, Joshua Nkomo, popular only with his band of terrorists and Leonid Brezhnev.

There was also one of those sanctimonious little sermonettes, in which a neo-Cronkitical commentator explained to us for the trillionth time that the press must be totally free to protect us from the scoundrels who run business (but not the news business, of course) and government.

The Agnevian perspective fades rapidly these days, however, and along about the second day there came a great revelation. They're really for the most part not an effete corps of impudent snobs at all. Nor would anyone, least of all themselves, characterize them as intellectuals. The best of them are second-rate actors, the worst third- or fourth-rate actors aspiring to second-rate status.

This all became quite clear to me on a morning which began with the Midwestern city's post-*Tomorrow*, pre-*Today* show. The host talked, gestured, laughed, and smacked his lips in the middle of sentences just like Tom Snyder. While I was shaving, the *Today* show came on and I rushed all befoamed to the set, having heard the unmistakable impediment, and assuming that the *real* news story of the year was breaking—Barbara Walters returns to NBC. It wasn't Barbara at all, however, but some blonde chick who has her Walters imitation down pat, from hair-do through peculiarly rising inflections to that hitherto inimitable lisp. And suddenly I realized they are everywhere. There was a local NBC newsman imitating David Brinkley. Over on CBS, another newsman was doing a passable impression of Dan Rather. On ABC, there was a sportscaster pretending to be Frank Gifford.

I had realized something was basically, non-Agnevianly wrong and getting worse about a year ago, when I watched a stumpy mustachioed weatherman on a Baltimore happy news show rush on camera waving a cardboard lightning bolt at his colleagues. But it wasn't until that windy week in the Midwest that I realized how strong the show-biz impulse had become. And since it has become totally show-biz, why not really make it boffo?

A few years back, perhaps in the same Midwestern city, a local TV station put a beautiful Playmate-type blonde in a bed with red satin sheets, and, with one sheet draped suggestively around her, she read the news. Why not more of that? Or if the wives of America object too strenuously, why not hire real actors to read the news—Paul Newman, say, or Robert Redford, or Liv Ullman, or Sophia Loren? That way, the news as show biz would be understood for what it really is. The Agnews of the world would be pacified when the Sinatras and the John Waynes came on camera. And what politician in his right mind would risk looking ridiculous by mounting a crusade against show biz, anyhow? Instead of third-rate aspiring actors imitating second-raters, there'd be second-rate actors imitating stars. And at the very least, when we're trapped in hotel rooms in the Midwest, we'd have something entertaining to look at and listen to.

—CATO

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sale migration of doves out of New York City. This massive sociological fact emerged startlingly with the Israeli incursion into Lebanon in retaliation for the murder of 32 civilians. "Inevitably," intoned that sometime antiwar oracle, the *New York Times*, "the Israelis will respond with force against the terrorist havens in Lebanon. . . . Beyond messages of condolence, [the world] owes the Israelis an honest sympathy and partnership in measures to punish terrorism on every front." The *New York Post*, rabidly pacific through the Vietnam-Cambodia years, headlined "REVENGE" in three-inch letters, and editorially applauded the "inevitable sequel to bloody terror": to demand that the Israelis "exhibit . . . forbearance is the luxury of long-distance observers." Mayor Koch joined the chorus of cheers, saying, "I don't believe in turning the other cheek. You have to fight fire with fire." Not too much about the territorial integrity of Lebanon in all this; Nixon-Begin analogies were few and far between; even the word "peace," which did get piously invoked a few times, seemed to have slipped somewhat on the rhetorical charisma index. Love them neo-hawks.

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The Beast Is Back

One leg athwart the breakwater and one
Still mired by the suction of the sea,
She casts a baleful glance upon her son,
Who desperately grasps a scaly knee.
Upon the beach the frightened bathers flee
As, with a lurch, she flops upon the sand.
Entangled in her hair, the dank debris
Cannot obscure her habit of command.
This is no Grendel from a northern land—
No primitive from saga-telling days.
This monster marches to a martial band,
Demanding accolades and servile praise.
Like Bonaparte, who fled his Elban lair,
Indira's back. Let India beware.

W. H. VON DREELE

■ To say that the French Left lost in the first round of the parliamentary elections is to overlook the ultimate Communist goal. The Communists indicated very clearly last September when their intransigent demands ended up wrecking the coalition of the Left that their primary target was not to enter a French government as a junior partner but to destroy the social democrats. And that, they are well on the way to doing. François Mitterrand and his Socialist Party were the big losers in the March 12 confrontation. They went into the election confidently predicting that they would pile up 27 per cent of the vote and become France's leading political party. They ended up with 22.5 per cent of the vote, just two percentage points ahead of the Communists, and trailing Jacques Chirac's Gaullists by one-half of 1 per cent. The prospects are that the French Socialists—divided, as is the British Labor Party, along Left–Right lines—will be further fragmented in the months ahead now that the centripetal force that pulled them together—the prospect of ruling France—has dissipated. All in all March 12 was less than a disaster for Marchais; it may be the beginning of the end for Mitterrand.

■ BLATANT PROPAGANDA DEPT.: The U.S. Catholic Conference's Office for Film & Broadcasting has been promoting the film *The Battle of Chile.* In a front-page review of the film in its bi-weekly publication, the USCC billed it as "a superb film about a brutal usurpation of power." *The Battle of Chile* was produced with the cooperation of the Cuban Film Institute, glorifies the regime of Salvador Allende, and condemns the military junta now in power. Watch for it.

■ Ignoring world opinion on the subject, China declares that it is not quite ready to dispense with capital punishment "in order to suppress the enemy and protect the people," except in marginal cases, such as the forty or fifty million Chinese who had to be executed to establish the people's republic.

■ Scene: A packed auditorium at Rutgers. Alger Hiss had won the support of hundreds of students with his lecture on the horrors of McCarthyism. He'd put on a good show for his youthful listeners—who had little, if any, knowledge of Hiss's background. Although he didn't go into his own case, the audience was left with the image of an honest dissenter who was beaten up in a Watergate parking lot by Dick Nixon and Joe McCarthy—a victim of vague charges not backed by any proof, who never had his day in court. Then a questioner —Charles Wiley, an occasional contributor to *NR*—reminded Hiss that: 1) Three different defectors from the NKVD (now the KGB) had identified him, in sworn testimony, as an "agent of Stalin's secret police." 2) Hiss had been found guilty by a jury and his conviction upheld by the entire judicial review process. 3) A scholar, who was a Hiss sympathizer, recently used the Freedom of Information Act to get secret government files on the case—and concluded that Hiss was (gulp!) guilty. A grey-faced Hiss—a tremor in his voice —declined to comment on the charges.

■ Joe Califano (yes, *the* Joe Califano) says there are 13,584 people in 24 states and the District of Columbia who are fraudulently collecting double benefits under various programs run by the Healthy & Wise Department, Criminal Waste Division. The figure probably excludes Congress. *They* collect triple.

■ A Baltimore disk jockey reportedly sent a sample of Billy Beer to a pharmaceutical house and received the following reply: "We regret to inform you that your horse has diabetes."

Diplomacy sans Other Means

The breathtaking speed with which the USSR stuck both feet through the crack opened in the door of the African Horn by Somali irredentism would have gratified Machiavelli—or the Fuller Brush man. It also illustrates the swift flexibility of a totalitarian state under no compulsion to explain itself to its own people or parliament. Imagine the U.S. trying to duplicate it! In a few weeks the Soviets dumped one client (Somalia) along with a costly naval base, launched a crash billion-dollar armament of Somalia's rival, Ethiopia, and ordered up an 11,000-man Cuban mercenary expeditionary force. Now, after forcing Somalia's withdrawal from the Ogaden

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desert, the USSR hints it might favor special rights for the Ogaden tribesmen—and the Soviets may be in a position to cause Ethiopia to agree. Through it all the USSR has managed to stay on the side of international "law and order," defending established frontiers. The world has hardly seen such a virtuoso performance of great-power regional management since the British Raj kept house all the way from the Old Moulmein Pagoda to the Hindu Kush.

America, with few cards to play, has been talking a fast game to be in at the finish—congratulating Somalia on its withdrawal, hinting future aid, calling for Russian assurances of non-aggressive intent toward Somalia, asking for early departure of Cuban forces, and, rather feebly, suggesting that this sort of Russian behavior might have a chilling effect on SALT. Actually, there is little else the U.S. could do. Since Vietnam, U.S. diplomacy has been defanged, i.e., the other players know we are unable, for domestic reasons, to use "other means" in support of our diplomacy. Not that we should have interfered in the Horn; but now, with the war just about over, it will be instructive to see how effective diplomacy can be under such circumstances.

There will be several tests for measurement:

1. With Ethiopia's frontier secured, will the Russians and Cubans leave? Or will most remain to "encourage stability" and to assist in the creation of an irreversible Marxian state? Will they now turn northward to enforce discipline on the Eritrean independence movement?

2. Will Siad Barre in Somalia survive this setback—with American aid—or be discredited by coming a cropper with the Russians he threw out a few months ago? Will he be replaced by a friend of the U.S. or, more likely, by another leader bent on mending fences with the regionally dominant Russians?

3. Or will the Russians, by helping Ethiopia to craft a face-saving "special rights" scheme for the Ogaden Somalis, be able to throw Somalia enough of a sop (beyond the power of the U.S. to provide) to regain their special position *and* their Berbera naval base?

4. What will be the effect of these events on SALT? The "linkage" suggested by the Administration was ill thought out and probably prematurely announced while the USSR was on the side of "law and order." It might have been wiser to wait until the Soviets could be caught out in a vulnerable position. But this does not mean that "linkage" is an intrinsically unsound concept which (as the *New York Times* suggests) makes SALT "contingent on first resolving every other Soviet-American dispute." To dismiss linkage totally is to leave us vulnerable to cumulative "salami tactics" whereby the whole worldwide "correlation of forces" (a favorite Communist concept) is progressively distorted to our disadvantage. In such a case we would need offsetting strategic forces to compensate for our dispersed disadvantage. Hence, in judging what concessions to make in SALT we must look at Soviet behavior around the world, partly as a yardstick of intentions and partly as a factor in the overall "correlation of forces." This includes such cases as the Horn, Angola, Yemen, Libya, and Cuba, as well as Eastern Europe—perhaps Yugoslavia some day.

The Soviets have so far scored a sensational *tour de force* in the Horn of Africa. With very few tools to work with, the Administration is now trying to re-establish a role in the Horn to offset what the Russians accomplished in a few months with a billion dollars of arms and 11,000 Cuban soldiers—and no Congress or free press. It won't be easy.

It's a Gas

Deregulation he
  Pushed as a candidate
Once he was President
  Silently got the gate.
Now, with a flip and a
  Flop, he reversed himself:
Deregulation is
  Back on the White House shelf.
It would be helpful if,
  First, he would count to ten.
He acts like off-again-
  On-again Finnegan.

W. H. VON DREELE

Socioeconomics of Coal

President Carter now surely realizes that, contrary to his earlier belief, coal may not be our secret weapon in the global energy struggle. Coal in the ground we certainly have in abundance. But getting that coal to the power plants and steel furnaces involves not only economic and technological considerations but, perhaps crucially, social ones as well.

In a modern, affluent, culturally evolving society, many jobs—including jobs which, in the abstract, are "vital"—become culturally obsolete. The nature of unemployment has changed fundamentally. It no longer means an absence of jobs—its meaning, for example, in the 1930s. It now means an absence of jobs people are willing to accept, given the other options open to them. In England, only Pakistanis and blacks will accept some jobs; in Western Europe, only Turks and Algerians; in the U.S., only illegal aliens. During the nineteenth century, for an industrial worker, the options were stark: work or go hungry. That is no longer the case, *pace* Michael Harrington.

Even before the 14-week miners' strike, American coal miners were among the highest paid industrial workers in the world, with salaries and perquisites and fringe benefits and pension provisions equivalent to those of the professional classes. Miners drive luxury cars, carry a

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deck of credit cards, travel on their vacations. If they choose not to work, they are eligible for unemployment payments, food stamps, welfare. The disincentives for a daily trip down into a dirty, dangerous, and socially demeaning mine-shaft are powerful indeed.

In its central meaning, the current strike has been more a symbolic than an economic act. The miners have been saying no, and sooner rather than later they will say no again—and not because they are exploited victims but because they have been so successful.

In the short run, these developments probably mean a shift in emphasis to strip mining, which requires a minimum of human labor—but, here again, the affluent sensibility intrudes, with environmental considerations. Off in the middle distance, the solution must be nuclear, with, eventually, hydrogen fusion among the principal energy options.

A Dollar Down

If the Federal Reserve has to speculate on the Foreign Exchange Market with taxpayers' money, they might at least gamble on something more solid than the dollar.

The official excuses for the dollar's unpopularity are flimsy enough to frighten the dollar down. It is said that the dollar is weak because the economy is strong. While this may explain the trade deficit, it does not account for the much more significant shift away from dollar investments. Switzerland had a trade deficit too, but that outflow of Swiss francs was more than offset by the flow of foreign capital into the country. In the last half of last year, by contrast, the U.S. faced both a trade deficit and an outflow of private capital of roughly equivalent size.

It is said that our oil imports are the root of the problem. But Japan and Germany import even larger portions of their energy needs. While half of last year's increase in the trade deficit was due to oil, the U.S. has generally received more dollars back from oil exporting nations (for goods, services, and investments) than we paid for oil.

The only remaining explanation for the dollar's decline is that foreigners are increasingly reluctant to hold the flood of dollar-denominated assets that we are creating through trade and budget deficits and loose monetary policies. They don't want to trade more of their goods for more of our IOUs. And this reluctance to hold dollar assets has persisted despite a falling dollar, which cheapens those assets, and higher U.S. interest rates, which sweeten the deal.

The explanation, of course, is that inflation is higher here than abroad, and the gap is expected to persist or widen. In the last quarter of last year, U.S. wholesale prices were 6 per cent above the level of a year before. In Germany, they were up 1.6 per cent; in Japan and Switzerland wholesale prices were actually lower than a year earlier. U.S. commodity prices, including farm prices, have been soaring for the past six months, a development that is both a cause and a consequence of the declining dollar.

The evident impossibility of financing both federal and private credit demands without an inflationary increase in the money supply or a credit crunch casts further doubt on the dollar's future value. Money growth has moderated since October, to 7 per cent above a year earlier, but that is too brief a lapse into semi-responsibility to lull financial markets.

The dollar could become relatively stronger if other countries matched our inflation, but the world economy would then become more fragile. Three weaks don't make a strong. The U.S. strategy of promoting such coordinated "reflation" has frightened business at home and abroad, bringing investment to a halt. Appreciation of the mark and the yen has likewise damaged the export potential of Germany and Japan, weakening investment and growth in those countries—including the growth of their demand for our products.

A convincing commitment to reducing inflation at home remains the only way of preserving the value of the dollar abroad. Rather than coercing the world's strongest economies into adopting our weak policies, we should be following their example.

Getting into Tandem?

The Security Council on March 14 voted 10 to 0 (U.S., Britain, France, West Germany, and Canada abstaining) to declare any Rhodesian agreement negotiated under Prime Minister Smith's auspices as "illegal and unacceptable." Ridiculous as it sounds, it is logically consistent with the history of the dispute in which Smith's break-away from imperial Britain has been engraved "illegal" in contradistinction to the break-away of every other colony, which has been applauded as "liberation." Thus, it becomes possible today to denounce the Rhodesian government for *not* providing majority rule and at the same time to condemn as illegal any plan it might adopt *to* provide majority rule.

This is par for the UN course, but what is more important is the remarkable moderation of the attitudes of Britain and the U.S., which until very recently had spurned the Salisbury negotiations between Smith and the three black Rhodesian leaders. Now the U.S. says the Salisbury understanding is "a significant step," although insufficient. And Mr. Andrew Young, who earlier called for Smith's "surrender" (*NR*, Feb. 17), now allows that the Salisbury agreement shows "some progress," mentioning such significant bench-marks as universal adult suffrage and majority rule. It is encouraging to see evidence of British and American ability to

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respond pragmatically to the logic of events. After all, if Smith and the black Rhodesian leaders can pull it off, why not let them do it and then let the guerrilla leaders outside the country decide on whether to join in? Robert Mugabe in Mozambique probably wouldn't, but Joshua Nkomo in Zambia, given some assurances regarding his future role, might. Even the "front-line" governments of Mozambique and Zambia might be glad to call it all off and thereby relieve themselves of the same economic pinch that has moved Smith to negotiate. But if the Salisbury agreement must fail, then let it fail on its own: let it not be pushed by Britain and the U.S.

Of course, Young is right to remain concerned about the Patriotic Front forces in guerrilla camps outside the country. This is where the British and Americans might be helpful by trying gradually to create an informal framework in which it would be possible to bring the Salisbury plan and the Anglo-American plan into tandem. At the moment both the Patriotic Front leaders and the black Rhodesian leaders in Salisbury refuse to meet with each other, and not surprisingly either. But the Salisbury plan will not go into full effect until the end of the year. This allows several months to find a facesaving formula for linking the two talks and providing a role for the Patriotic Front leaders, and at the same time a formula for working out legalistic continuity of descent from imperial Britain. It may not work, but it is worth a try. The Cubans are already providing military training to some of the guerrilla forces. There is every reason to try to pre-empt another Angola or Ethiopia. For if we fail in this we may have to face another challenge from the USSR as in Angola and in the African Horn. We cannot run away from such confrontations forever, and we would put ourselves in the best possible position to cope with it in Rhodesia by doing everything in our power to strengthen the black majority forces inside the country. (See James Burnham, "The Protracted Conflict," page 393.)

Sun Setting over Rotting Hill

The storm over Margaret Thatcher's comments on race and immigration has largely died down, but the problem, of course, hasn't—chiefly because, as *The Economist* has illustrated in a detailed editorial, the words "British citizenship" do not mean simply: British citizenship.

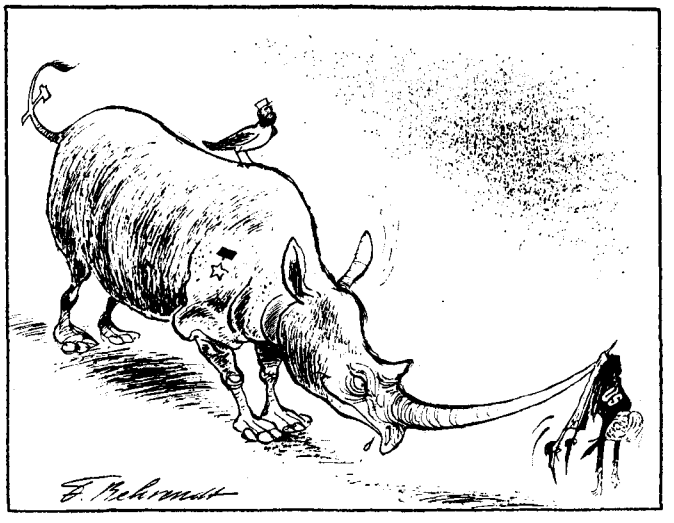
The problem began with the dissolution of the Empire. There are 56 million resident citizens of the United Kingdom; there are another 900 million Commonwealth citizens spread around the globe. Under the Nationality Act airily passed by a Labor government in 1948, all Commonwealth citizens were given the status of British subject, which at that time carried with it the automatic right of immigration to Britain—a right that has been increasingly restricted since 1962. The current problem involves those who did not accept, or were not granted, citizenship of the Commonwealth country in which they lived—e.g., Asians in Uganda, Kenya, Tanzania—and also those who, having legally claimed their own British citizenship, want the right to bring in current dependents and fiancés. There are some four million people in the first category; the second is more problematic and therefore politically and socially touchier.

Redrafting the citizenship law, says *The Economist*, is essential; Britain in most things has characteristically worked on tacit assumptions, but she cannot, in the mid-twentieth century, leave open the tacit possibility that she would be willing to admit another 895 million people. Still, redrafting will have to come after the solution —it cannot be the solution—of whether all, and if not all, then which, of those in each category are to be given British citizenship. Ironically, it is the old anti-imperialists, the Laborites, who are now, for their own reasons, the most sweepingly imperial (*Civis Britannicus sum*?), while the Conservatives have come to fear that the shock waves that broke up the Empire might eventually threaten Britain herself.

Scouting Report

Anticipating leftist victories in France and Italy—if not now, then soon—*Time* magazine has run a long and thorough report on "Socialism: Trials and Errors"; and the errors, it discovered, are dolorous.

In the social democracies, absenteeism, red tape, and economic listlessness. In the socialist countries of the Third World, black markets, shortages, and a pathetic dependence on foreign (mostly capitalist) aid. Under Communism, oppression, crippled agriculture, and rigid caste systems. Leaders backslide and intellectuals despair. Guinea's Sékou Touré, a.k.a. the "Terror of Imperialism,"



Behrendt, *Het Parool* Rothco

The Horn

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has promised to relax the ban on private enterprise in a desperate attempt to lure foreign capital; while Oxford socialist Leskek Kolakowski (formerly of Poland) admits, "One cannot discuss the socialist idea today as if nothing has happened since the idea was born. . . . We expropriated the owners, and we created one of the most monstrous and oppressive social systems in world history."

A few problems escape even *Time*'s notice. *Time* perpetuates the myth of Russia's miracle industrialization under Communism, ignoring both substantial pre-Revolutionary progress and massive imports of Western technology; it uncritically accepts China's claim to have eliminated illness and famine; and, while giving Communists and Third Worlders credit for boosting education, it fails to note that literacy in such states functions as an adjunct of mental manipulation.

Yet in spite of all this, *Time* concludes that, in current debates, "the capitalist is at a disadvantage, unable to compete rhetorically with socialist idealism." And it is right. "In a Communist society," wrote Marx in 1846, "it [will be] possible for me to do one thing today and another tomorrow; to hunt in the morning, fish in the afternoon, raise cattle in the evening, criticize after dinner, whichever I please, without ever becoming hunter, fisherman, shepherd, or critic." Against this kind of appeal, counter-examples are helpless. Freedom (in the West, at least) seems rather to rest on Western religious orthodoxy; Jews and Christians know, without trial and error, that egalitarian hedonism is neither a) possible, nor b) desirable. If the spirit ever disappears, reasons will go down like straws.

Meanwhile, *Newsweek* (with a fine sense of balance) featured "Cubans in Africa."

Middle East— The Vicious Circle Again?

Palestinian terrorism and massive Israeli reaction dramatize how far we have slipped back toward the situation prevailing before Sadat went to Jerusalem. The Middle East is fatally attracted to extremes, a centrifugalism which discourages tendencies toward moderation. Witness the cautious public reactions to terrorism of even conservative Arabs, excepting only Sadat. On the other side, Mr. Begin, the Biblical fundamentalist, has said the new terrorism proves that it is "unthinkable that Judea and Samaria will be ruled by the PLO."

Perhaps, but unless some other force acceptable to responsible Arabs is ushered in to rule over the West Bank, then the most extreme terrorist faction will fill the vacuum. To rally the closet moderates it will be necessary to set up a centripetal force able to overcome historic extremism. At the center are the West Bank, "self-determination," and UN Resolution 242. Carter will have to take up with Mr. Begin the widespread disagreement with Begin's disingenuous argument that Israel supports Resolution 242 but reserves the right to decide where and when. The Israeli Consul General in New York, speaking no doubt under the shock of the latest terrorism, went further, saying, "Leave to us where our security is, where our borders are." But borders have two sides and must be agreed upon if there is to be peace.

If the West Bank is the core, Egypt is the gateway to it, because Israel needs Egypt's help in future negotiations. For this, it will be necessary to agree on the Sinai. Initially, Sadat seemed relaxed about the Sinai settlements and might become so again if the arrangements did not seem to involve either a diminution of Egyptian sovereignty or a reflection on Egypt's ability to provide security. There is talk of an Israeli military base. Even this might be negotiated on contractual terms, as bases have been negotiated elsewhere; but not on terms which reflect on Egyptian sovereignty.

The main lesson of recent events is that the issues are not just chips in a poker pot to be lost today and won back tomorrow. They are at the heart of the deepest passions touching the human soul, surpassing reason, comparable to the spirit of Masada, the Crusades, and the eighteenth century Sword of Islam. These are the real stakes when Mr. Begin talks with Mr. Carter.

Olympic Watch: Update

The political rough stuff has begun, as anticipated months ago by *NR*. The Soviets—and is anyone really surprised—have every intention of controlling the image of the Moscow Olympics, and of the Soviet Union, that goes out over the global tube two years hence. We are now in the initial stages of the political struggle over the Moscow games.

Item: The Soviet Olympic Committee has been moving to amend Rule 49 of the Olympic rules. Rule 49, as presently framed, stipulates that all media will have access to Olympic events. The Soviets wish to amend it so it will be permissible to exclude radio, television, and newspaper personnel from the Moscow games if they work for organizations "hostile to the spirit of peace and friendship." The immediate targets of this move are Radio Free Europe and Radio Liberty: the ultimate targets are the media generally, and the motive is intimidation. An official report of a session of the presidium of the Soviet Olympic Committee, carried in the journal *Sport*, represented the presidium as discussing the idea of "perfecting" the Moscow games through regulations "in keeping with the spirit of the times." The presidium dealt at length with the "problem" of accrediting media representatives. It decided a solution to this "problem" must be found quickly. At no point did the notion in-

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trude that coverage of the Moscow games should be in accord with Rule 49, that is, in the spirit of a free press.

Item: At a recent press conference, Viktor A. Ivoniev, Deputy Chairman of the Soviet Committee for Physical Culture and Sports, refused to answer directly a question about whether athletes from Israel, China, and other nations with whom the Soviet Union is not on friendly terms, will be permitted to compete in the Moscow games. He indicated, however, that they will not be invited unless they have an athlete of "unchallengeable superiority" in his event.

If the Soviets have things their way in the Olympic infighting, it will be they who decide which press representatives are "hostile to the spirit of peace and friendship." And they will decide what athletes have "unchallengeable superiority" in their events.

The U.S. Olympic Committee should stop trying on its fur hats and pay attention to what the Soviets, predictably, are up to. The U.S. Congress, perhaps through a special committee created for the purpose, should monitor these operations, which in essence are shaping up as nothing less than an assault on free media and a plot to victimize individual athletes.

Leonard Feeney, R I P

On January 30, 1978, at the age of eighty, Father Leonard Feeney died quietly at his communal retreat, a farm in Still River, Massachusetts. He was an important figure in the religious and social history of a revolutionary century, and the issues that engaged him were momentous ones.

Leonard Feeney impinged upon the national consciousness during the 1950s, his phase of temporary fanaticization. From his redoubt at St. Benedict's Center on the margins of Harvard Square, he waged polemical battles with Harvard liberalism and with what he saw as Vatican accommodation with the spirit of the age. He resisted a social and theological accommodation which, at one level, was preparing the way for the Kennedy Presidency in 1960, and, at another, as he saw it, was diluting the teachings of "the saints and doctors of the Church." It is always difficult to fight, as it were, the world; and Feeney's rhetoric often became violent. On Sundays, making his way to Boston Common with bodyguards and disciples, he would provide a tourist spectacle with the outrageousness of his ethnic slurs and other scurrilities.

But Father Feeney was much more than a strident soap-box orator. Prior to the Boston uproar, he was the most admired Jesuit poet. As a shepherd of souls he had a profound impact upon a large and wide-ranging number of people. His converts included many among the Boston Protestant elite, and, indeed, this was one of his principal social offenses. As Avery Dulles, son of the Secretary of State and now a Jesuit, recalls: "The systematic theology that I learned from Father Feeney has stayed with me through the decades, while I have forgotten much of what I studied more recently. In part this is because he had an incomparable gift for putting the deepest mysteries in simple terms." Dulles also testifies: "In an age of growing accommodation, Leonard Feeney was unable to yield in his determination to defend his vision of the faith. In later years, his zeal led to excess, but his dedication never wavered."

Father Feeney was surely not surprised when, during the 1960s and 1970s, Catholic "accommodationism" could, in influential quarters, come to terms not only with liberalism but even with Marxism.

Nevertheless, in 1974, the old warrior, a tragic hero of America's ethnic agonies, achieved a reconciliation with the Church that no one can doubt he always loved. Leonard Feeney was a combatant in a revolutionary age. He gave wounds and he certainly received them. His fervent soul deserves the rest it certainly now enjoys.

Terror Tactics

To boondock biddies who insist
A New York loan is wrong,
We say, if we go down three times
We'll drag yez all along.

W. H. VON DREELE

Notes & Asides

■ Dear Bill:

You mean there was no second gunperson on the Grassy Knoll?

Best regards,
John Lofton Jr.
Washington, D.C.

John: We're not talking. WFB

■ Dear Mr. Buckley:

Even we dull-witted ones have our moments. Reading your reply to Ms. Miller of Bronxville, N.Y., I puzzled over the word *callipygian*. (Ah, Calypso—wasn't she the one who wanted to keep Odysseus? Hum, something symbolic there. Set progress back seven years? Wait! Calypso, lower case—an improvisation on a broadly humorous subject. That's it!) Then, I looked it up in

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Webster's Seventh; however, my first thoughts are, I believe, nearer truth than beaut.

By the way, glad to note no apology. Enjoyed cover picture—how shall I say? Immensely?

Callipygianly,
Fanny Caudal
Linden, Texas

Dear Mr. Buckley:

Words, words, words!

The German word "Klavier" does mean, today, a piano. In Bach's time it meant a harpsichord. Words change with the times. As for the Klavierübung, it contains not only music for harpsichord, but also for organ —Part III opens with the Prelude in E-flat major and closes with the gigantic triple Fugue in the same key; the two are commonly known as the Saint Anne. In between are 21 preludes and four duets, played, on the record I have here, also on the organ. Presumably, they could be played on piano or harpsichord; the Prelude and Fugue could not, at least as written.

Words? *Le mot juste*? As applied to Bella Abzug, I take issue with your characterization of her as "callipygian." After studying the cover photo on your December 23 issue for some time, I think the correct word is "steatopygian."

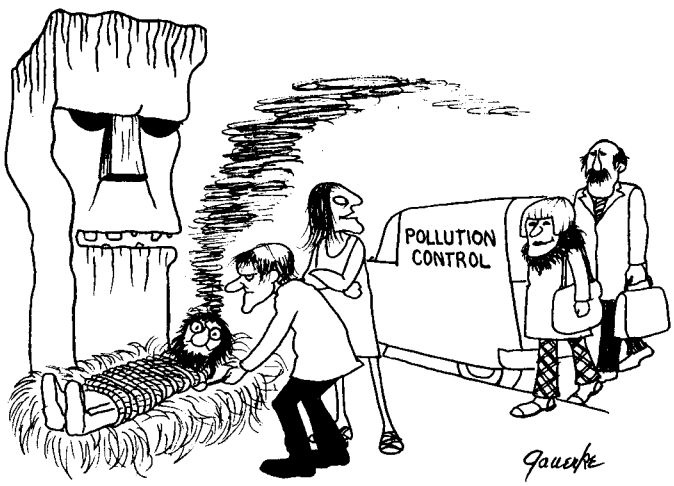
Oh, well . . .

Sincerely,
John S. Carroll
Emlenton, Pennsylvania

Dear Mr. Buckley:

I fear I must take exception to your reference to the callipygian Ms. Abzug ("Notes & Asides," February 17). While I concede beauty is in the eye of the beholder, I believe the steatopygous Ms. Abzug would be a more accurate description.

Sincerely yours,
William E. Gaestel
Clifton, New Jersey



"Hold it, Max. It's those creeps from the EPA again."

Dear Mr. Buckley:

Would it be presumptuous to suggest that the more appropriate adjective to describe darling Bella would be steatopygic?

Callipygian I would reserve, alas, for all too few of the ladies of the political or ERA ilk.

Respectfully,
G. P. Lucchetti
Oak Park, Illinois

But should there be federal aid for steatopygics? WFB

■ Dear Mr. Buckley, Jr.:

Preceding WW2 I went thru the Panama Canal—with my mother.

A JAP was on the ship. He was taking pictures of the locks on the Canal.

Respectfully yours,
Mrs. James A. Sullivan
Denver, Colorado

Well, obviously that was *one* fat Jap who was a lousy photographer, because when they tried to bomb the locks at the outbreak of the war, the nearest they got to was Pearl Harbor. Right? WFB

Dear Mr. Buckley:

Read your column this morning in the *Washington Star*.

As a "conservative" myself (even spent time on the YAF Board), let me say: I forgive you.

Goodness knows there are "conservatives" enough around still defending Nixon after he a) toasted the leaders of Communist China and destroyed any moral argument for fighting Communism in Vietnam (I was there too), b) proposed and fought for guaranteed family incomes, c) imposed wage and price controls, d) deluged the economy with massive deficit spending, and destroyed the Republican argument against that, e) put Elliot Richardson in charge of the whole government at one time or another, f) endorsed an essentially amoral foreign policy by Mr. Kissinger, and g) destroyed a possible resurgence by conservative Republicans by his unethical and deceitful actions while President. Even Kilpatrick says, "If nothing else, it was worth it because of the Supreme Court." That in the face of the abortion decision for starters, and dozens more.

Anyway, as I said: I forgive you on the Panama Canal. Your worth has more than covered you for any slip from the holy doctrine. God bless you.

Sincerely,
James Minarik
Vienna, Virginia

P.S. It's okay to disagree on the PC, but just don't talk about it any more until the vote's over, okay?

—WFB

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Black, White, Grey

The Protracted Conflict

JAMES BURNHAM

IF MEN WERE reasonable creatures, there would have been universal rejoicing at the Rhodesian "internal settlement" agreed to by white Ian Smith and black Abel Muzorewa, Ndabaningi Sithole, and Jeremiah Chirau. Not that it is an ideal solution: a negotiated agreement is always a *pis-aller*, a compromise among diverse, in part conflicting aims and interests. However, this Salisbury accord is as good as reasonable creatures could expect to emerge from so sticky a morass. Moreover, its terms satisfy, generally speaking, what the many parties, local and global, to the Rhodesian confusion have professed to be their criteria for a satisfactory solution.

For better or worse, the most actively publicized of these criteria has been "one man, one vote." The accord embraces this criterion fully *en principe* (as the French are fond of saying); it was Ian Smith's capitulation to this *principe* that made the Salisbury negotiation possible. Under the terms of the accord, there will be a temporary restriction in applying the one-man–one-vote principle. Although everyone of 18 years or more will from the beginning have the right to vote, 28 seats in the new one-hundred-seat parliament will be reserved for whites, which means that during those transitional ten years white votes will count more than black votes. Reasonable persons, having in mind the post-independence history of the new African nations and noting that the three black nationalist leaders are willing to accept it, might judge that this temporary brake on all-out one man, one vote makes good sense. If Zimbabwe can integrate the expertise, money, energy, and international connections of the Rhodesian whites into its new structure, no one can doubt that its citizens, both black and white, are going to be a lot better off than if the whites pull an Angola.

Black and/or White

It is not only material values that might recommend the Salisbury accord to reasonable persons. It shows up rather well on the human rights scale, about which we have heard so much of late. The accord came out of the peaceful discourse of men, not the barrel of a gun. It is democratic in a basic sense, not only in its provisions for the new government but in the fact that it was negotiated by the three black leaders whom, according to observers, a big majority of the blacks support and the democratically chosen leader of the whites. It envisions an African rarity, a non-racist state. It recognizes that, if rights are in truth human, they must hold for everyone, even whites.

It is true that, even on the most optimistic appraisal, the path of the Salisbury accord will be rough and heavily mined. Any or all of the four initiators could sabotage it out of ambition, trickiness, cowardice, or corruption. Many Rhodesian whites have not reconciled themselves to the loss of racist privilege. Many Rhodesian blacks want revenge rather than justice. The guerrilla and terrorist armies, supported and sheltered by the neighboring states, are in the field.

Suppose, though, that the United States and Britain threw their support behind the Salisbury accord—not every detail, but the general course it maps. This would mean dropping the sanctions (*pace* the UN) and announcing a readiness to supply the transitional black–white government, about to be formed under the terms of the accord, with relevant weaponry to assure Zimbabwe's defense and security. Even as things stand, many of the Mugabe–Nkomo followers may decide to return home and go along with the accord. A positive Anglo-American initiative would surely strengthen that trend, and would thus minimize the chance of large-scale fighting.

Going along with the general course, the perspective, of the accord would not mean endorsing every move and project of the internal quadrumvirate. It would, rather, give the U.S. and Britain a powerful leverage that would help swing events toward a just and successful outcome. They would be able to propose, indeed command, procedures and supervision that would convincingly guarantee the fairness of the election. They could make sure that the Mugabe–Nkomo followers both within and outside Zimbabwe are offered an honorable chance to abandon civil war and join in the peaceful building of their transformed nation.

Eventually? Why Not Now?

American policy on the Salisbury accord has so far been ambiguous and murky in the Carter style, and churlish. Washington (and now even Andy Young) does not totally condemn it, but has certainly given it no encouragement, much less enthusiasm. The President is working himself into a grotesque stance. He, the tribune of democracy and human rights, refuses to endorse the internal leaders who propose a solution respecting democracy and human rights, while in effect supporting the external leaders who openly proclaim that the only solution is war, who have openly rejected the idea that the rights of white Rhodesians should be protected, and who, by all signs, are headed not for democracy but for racism and authoritarian dictatorship.

The U.S. is led to this ridiculous posture in part because of its current policy line of cozying up to black Africa. Rhodesia/Zimbabwe's front-line neighbors all back the Mugabe–Nkomo Patriotic Front, war, and black racism, and all denounce the Salisbury accord. The U.S. must be careful not to offend them, or . . . or maybe they'll make more speeches against us, or something.

However, there is a more basic factor inhibiting a sensible U.S. response —the same factor that blocked sensible U.S. action in Vietnam, Angola, and (more recently) the Horn of Africa: the belief that firm action might provoke a "confrontation" with the Soviet Union. Well, so it might. And so what? If the U.S. is afraid to risk a confrontation with Moscow, then in every serious crunch it must always give way in order to avoid the possible confrontation. The final outcome of that rule is obvious. Geographically, politically, economically, and morally, this Rhodesian affair, as now presented, might not be a bad setup for a confrontation. □

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THE IMPORTANCE OF BEING ERNEST

The Gas Bill Also Rises

S. L. VARNADO

Ernest Hemingway, greatest of war novelists, is dead. And dead at a very bad time—right when we need him around to describe the romance, danger, confusion, and excitement of this Moral Equivalent of War that our President has declared. Ah, well—weaker voices must suffice!

IN THE LATE winter of that year it was very cold (*cero absoluto*) and we were quartered in the barracks of the Insulation Works near Poughkeepsie and made sorties into the surrounding areas to insulate the great *villas* and split-levels along the river, with Rinaldo, my driver, handling the great truck (*automóvil monstruoso*) and me handling the heavy insulation gun with great dignity and much technical confusion; and in the day it was very fine and clear and cold, but in the night just cold—in fact, freezing (*congealo el rumpo*), because the unspeakable gas company had shut off the unspellable heat in the unpronounceable barracks.

In the morning the orderlies would come through and bear away the bodies of those who had frozen during the night, so that the politicians became angry and issued three pair of thermal underwear to each man and insisted that all three pair be worn at once, which was a great indignity and an obscenity, considering the technicality of the zippers and the back-flaps, so that at last the men began to wear the back-flaps *décolletés*, for emergencies, which is a difficult thing and technical, and still there were many sad events.

Sometimes we would watch *El Presidente* speak upon the television (*tubo del bobo*), and while there was much respect for his great teeth (*muchos dientes*), his words seemed only *nada*, and more *nada*, and still more *nada*—and *nada* with a Southern accent, yet.

✠ IN THE VILLAGE it was better. Often we would ski in after work, two men to the ski, and go to the little *smistemento* (Burger King), where the *grappa* was excellent, and they served a fine, light *ethyl* which we drank steaming hot, along with *chili* and *Whoppers* and *pasta*, and the girls were admirable (*bella con pasta*) and after you had eaten the *chili* and the *Whoppers* and the *pasta* you felt very good, but not so good later that night when the indigestion came, which is a thing which, if you have had it, you will know what I mean, and if you have not—you are fortunate.

✠ THE MORAL EQUIVALENT of War was going badly, and every day there was depressing news from the Front and still more depressing news from the Rear. The news from the Sides was equivocal. At last our division was moved up to the War Zone (or its Moral Equivalent), and we made insulating raids into the condominiums, with Rinaldo driving and me sitting beside him, holding the heavy insulating gun in my lap, feeling its oily heaviness in my fingers and getting the oil on my clean pants, and speaking Spanish with Rinaldo, which we had both learned in high school.

"Art thou ready?"

"Yo voy tengo. Quo vadis!"

And then would come the unspeakable trembling of the insulating gun, and there would be no time to think, only holding the gun steadily and truly, and feeling its kick and jar, and the great pieces of insulation coming out SHUM SHUM SHUM (which is the way insulation sounds) and watching the insulation pass into the crevices and corners of the attic, authentically and truly and expensively.

✠ DURING THE RETREAT from Schenectady, the insulating machine in our truck exploded, spraying 327 pieces of insulation into my body, and as the case was unusual I was shipped to the Research Division of Owens-Corning Fiberglas, where I lay for days in a freezing ward room, shivering and drinking hot *grappa* and thinking of the *Abruzzi* and *pizza* and other cognates.

Once some Catalonian doctors and a Poughkeepsie nurse came into the room to examine me. "Remove the blankets," one of them ordered. "Now the clothes. Now the dressing. Now the . . ."

"But the patient will freeze," the nurse objected.

"Death comes to all," the Catalonian physician said sternly, studying my wounds. Then, looking around gravely, he said, "Gentlemen, this is an unusual case. I count 327 pieces of insulation. What do you think?"

One of them demanded a recount. Another thought the *Guinness Book of World Records* should be contacted. Most agreed on an operation.

"Nonsense," said the first doctor. "This man has the highest level of insulation resistance I have ever seen. He is at least R24 and possibly even R30—and there is no moisture barrier. If we operate, he will die. The insulation is all that prevents him from freezing to death."

After that we all laughed, and they toasted me with *grappa* and promised to return when the weather was warmer. They were quite pleasant and

(Continues on page 423)

Mr. Varnado, the Moral Equivalent of Hemingway, teaches English at the University of South Alabama.

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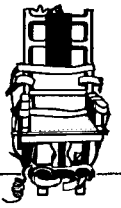
ERNEST VAN DEN HAAG

THE COLLAPSE OF THE CASE AGAINST Capital Punishment



THREE QUESTIONS about the death penalty so overlap that they must each be answered. I shall ask seriatim: Is the death penalty constitutional? Is it useful? Is it morally justifiable?*

I.

The Constitutional Question

The Fifth Amendment states that no one shall be "deprived of life, liberty, or property without due process of law," implying a "due process of law" to deprive persons of life. The Eighth Amendment prohibits "cruel and unusual punishment." It is unlikely that this prohibition was meant to supersede the Fifth Amendment, since the amendments were simultaneously enacted in 1791.[1]

The Fourteenth Amendment, enacted in 1868, reasserted and explicitly extended to the states the implied authority to "deprive of life, liberty, or property" by "due process of law." Thus, to regard the death penalty as unconstitutional one must believe that the standards which determine what is "cruel and unusual" have so evolved since 1868 as to prohibit now what was authorized then, and that the Constitution authorizes the courts to overrule laws in the light of *new* moral standards. What might these standards be? And what shape must their evolution take to be constitutionally decisive?

Consensus. A moral consensus, intellectual or popular, could have evolved to find execution "cruel and unusual." It did not. Intellectual opinion is divided. Polls suggest that most people would vote for the death penalty. Congress recently has legislated the death penalty for skyjacking under certain conditions. The representative assemblies of two-thirds of the states did re-enact capital punishment when previous laws were found constitutionally defective.[2]

If, however, there were a consensus against the death penalty, the Constitution expects the political process, rather than judicial decisions, to reflect it. Courts are meant to interpret the laws made by the political process and to set constitutional limits to it—not to replace it by responding to a presumed moral consensus. Surely the "cruel and unusual" phrase was not meant to authorize the courts to become legislatures.[3] Thus, neither a consensus of moral opinion nor a moral discovery by judges is meant to be disguised as a constitutional interpretation. Even when revealed by a burning bush, new moral norms were not meant to become constitutional norms by means of court decisions.[4] To be sure, the courts in the past have occasionally done away with obsolete kinds of punishment—but never in the face of legislative and popular opposition and re-enactment. Abolitionists constantly press the courts now to create rather than to confirm obsolescence. That courts are urged to do what so clearly is for voters and lawmakers to decide suggests that the absence of consensus for abolition is recognized by the opponents of capital punishment. What then can the phrase "cruel and unusual punishment" mean today?

* This is a greatly revised version of a paper first delivered at a symposium sponsored by the Graduate School of Criminal Justice and the Criminal Justice Research Center of Albany, N.Y., in April 1977.

1. Apparently the punishment must be both—else cruel *or* unusual would have done. Historically it appears that punishments were prohibited if unusual in 1791 *and* cruel: the Framers did want to prohibit punishments, even cruel ones, only if already unusual in 1791; they did prohibit new (unusual) punishments if cruel. The Eighth Amendment was not meant to apply to the death penalty in 1791 since it was not unusual then; nor was the Eighth Amendment intended to be used against capital punishment in the future, regardless of whether it may have come to be considered cruel: it is neither a new penalty nor one unusual in 1791.

2. There may be a consensus against the death penalty among the college educated. If so, it demonstrates a) the power of indoctrination wielded by sociologists; b) the fact that those who are least threatened by violence are most inclined to do without the death penalty. College graduates are less often threatened by murder than the uneducated.

3. See Chief Justice Burger dissenting in *Furman*: "In a democratic society legislatures not courts are constituted to respond to the will and consequently the moral values of the people."

4. The First Amendment might be invoked against such sources of revelation. When specific laws do not suffice to decide a case, courts, to be sure, make decisions based on general legal principles. But the death penalty (as distinguished from applications) raises no serious legal problem.

Mr. van den Haag is Visiting Professor of Criminal Justice this semester at SUNY, Albany. He is also author of Punishing Criminals.

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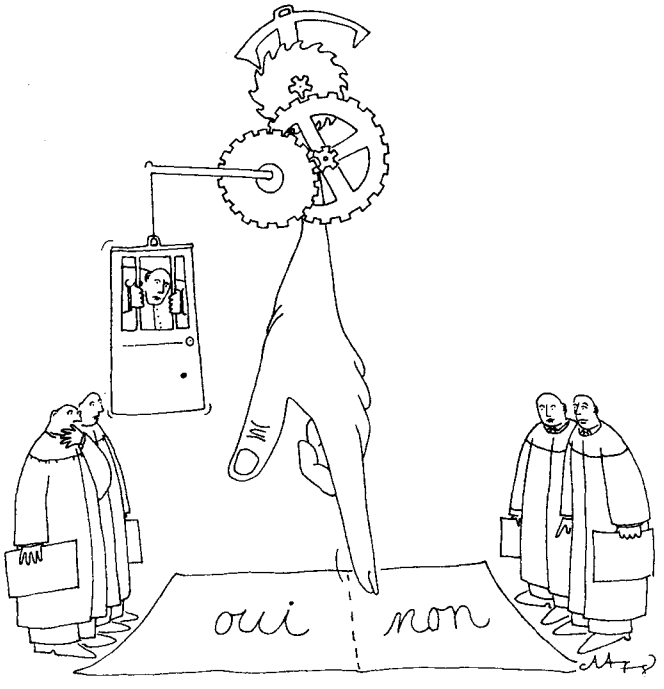
"*Cruel*" may be understood to mean excessive—punitive without, or beyond, a rational-utilitarian purpose. Since capital punishment excludes rehabilitation and is not needed for incapacitation, the remaining rational-utilitarian purpose would be deterrence, the reduction of the rate at which the crime punished is committed by others. I shall consider this reduction below. Here I wish to note that, if the criterion for the constitutionality of any punishment were an actual demonstration of its rational-utilitarian effectiveness, all legal punishments would be in as much constitutional jeopardy as the death penalty. Are fines for corporations deterrent? rehabilitative? incapacitative? Is a jail term for marijuana possession? Has it ever been established that ten years in prison are doubly as deterrent as five, or at least sufficiently more deterrent? (I don't pretend to know what "sufficiently" might mean: whether 10 per cent or 80 per cent added deterrence would warrant 100 per cent added severity.)

The Constitution certainly does not require a demonstration of rational-utilitarian effects for any punishment. Such a demonstration so far has not been available. To demand it for one penalty—however grave—and not for others, when it is known that no such demonstration is available, or has been required hitherto for any punishment, seems unjustified. Penalties have always been regarded as constitutional if they can be plausibly intended (rather than demonstrated) to be effective (useful), and if they are not grossly excessive, i.e., unjust.

Justice, a rational but non-utilitarian purpose of punishment, requires that it be proportioned to the felt gravity of the crime. Thus, constitutional justice authorizes, even calls for, a higher penalty the graver the crime. One cannot demand that this constitutionally required escalation stop short of the death penalty unless one furnishes positive proof of its irrationality by showing injustice, i.e., disproportionality (to the felt gravity of the crime punished or to other punishments of similar crimes), as well as ineffectiveness, i.e., uselessness in reducing the crime rate. There is no proof of cruelty here in either sense.



"*Unusual*" is generally interpreted to mean either randomly capricious and therefore unconstitutional, or capricious in a biased, discriminatory way, so as particularly to burden specifiable groups, and therefore unconstitutional. (Random arbitrariness might violate the Eighth, biased arbitrariness the Fourteenth Amendment, which promises "the equal protection of the laws.") Apart from the historical interpretation noted above (Footnote 1), "unusual" seems to mean "unequal" then. The dictionary equivalent—"rare"—seems to be regarded as relevant only inasmuch as it implies "unequal." Indeed it is hard to see why rarity should be objectionable otherwise.

For the sake of argument, let me grant that either or both forms of capriciousness prevail[5] and that they are less tolerable with respect to the death penalty than with respect to milder penalties—which certainly are not meted out less capriciously. However prevalent, neither form of capriciousness would argue for abolishing the death penalty. Capriciousness is not inherent in that penalty, or in any penalty, but occurs in its distribution. Therefore, the remedy lies in changing the laws and procedures which distribute the penalty. It is the process of distribution which is capable of discriminating, not that which it distributes.

Unavoidable capriciousness. If capricious distribution places some convicts, or groups of convicts, at an unwarranted disadvantage,[6] can it be remedied enough to satisfy the Eighth and Fourteenth Amendments? Some capriciousness is unavoidable because decisions of the criminal justice system necessarily rest on accidental factors at many points, such as the presence or absence of witnesses to an act; or the cleverness or clumsiness of police officers who exercise their discretion in arresting suspects and seizing evidence. All court decisions must rest on the available and admissible evidence for, rather than the actuality of, guilt. Availability of evidence is necessarily accidental to the actuality of whatever it is that the evidence is needed for. Accident is the capriciousness of fate.

Now, if possible without loss of other desiderata, accident and human capriciousness should be minimized. But, obviously, discretionary judgments cannot be avoided altogether. The Framers of the Constitution were certainly aware of the unavoidable elements of discretion which affect all human decisions, including those of police officers, of prosecutors, and of the courts. Because it always was unavoidable, discretion no more speaks against the constitutionality of the criminal justice system or of any of its penalties now than it did when the Constitution was written —unless something has evolved since, to make unavoidable discretion, tolerable before, intolerable now, at least for the death penalty. I know of no such evolution; and I would

5. Attention should be drawn to John Hagan's "Extralegal Attributes and Criminal Sentencing" (*Law and Society Review*, Spring 1974), which throws doubt on much of the discrimination which sociologists have found.

6. I am referring throughout to discrimination among those already convicted of capital crimes. That discrimination can be tested. However, the fact that a higher proportion of blacks, or poor people, than of whites, or rich people, are found guilty of capital crimes does not *ipso facto* indicate discrimination, any more than does the fact that a comparatively high proportion of blacks or poor people become professional baseball players or boxers.

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think it was up to the legislative branch of government to register it had it occurred.

The Constitution, though it enjoins us to minimize capriciousness, does not enjoin a standard of unattainable perfection or exclude penalties because that standard has not been attained.[7] Actually, modern legislative trends hitherto have favored enlargement of discretion in the judicial process. I have always thought that enlargement to be excessive, immoral, irrational, and possibly unconstitutional—even when not abused for purposes of discrimination. Yet, though we should not enlarge it *praeter necessitatem*, some discretion is unavoidable and even desirable, and no reason for giving up any punishment.

Avoidable capriciousness. Capriciousness should be prevented by abolishing penalties capriciously distributed only in one case: when it is so unavoidable and so excessive that penalties are randomly distributed between the guilty and the innocent. When that is not the case, the abuses of discretion which lead to discrimination against particular groups of defendants or convicts certainly require correction, but not abolition of the penalty abused by maldistribution.

II.

Preliminary Moral Issues

Justice and equality. Regardless of constitutional interpretation, the morality and legitimacy of the abolitionist argument from capriciousness, or discretion, or discrimination, would be more persuasive if it were alleged that those selectively executed are not guilty. But the argument merely maintains that some other guilty but more favored persons, or groups, escape the death penalty. This is hardly sufficient for letting anyone else found guilty escape the penalty. On the contrary, that some guilty persons or groups elude it argues for extending the death penalty to them. Surely "due process of law" is meant to do justice; and "the equal protection of the law" is meant to extend justice equally to all. Nor do I read the Constitution to command us to prefer equality to justice. When we clamor for "equal justice for all" it is justice which is to be equalized and extended, and which therefore is the prior desideratum, not to be forsaken and replaced by equality but rather to be extended.

Justice requires punishing the guilty—as many of the guilty as possible, even if only some can be punished—and sparing the innocent—as many of the innocent as possible, even if not all are spared. Morally, justice must always be preferred to equality. It would surely be wrong to treat everybody with equal injustice in preference to meting out justice at least to some. Justice then cannot ever permit sparing some guilty persons, or punishing some innocent ones, for the sake of equality—because others have been unjustly spared or punished. In practice, penalties never could be applied if we insisted that they cannot be inflicted on any guilty person unless we can make sure that they are equally applied to all other guilty persons. Anyone familiar with law enforcement knows that punishments can be inflicted only on an unavoidably capricious, at best a random, selection of the guilty. I see no more merit in the attempt to persuade the courts to let all capital-crime defendants go free of capital punishment because some have wrongly escaped it than I see in an attempt to persuade the courts to let all burglars go because some have wrongly escaped imprisonment.

ALTHOUGH it hardly warrants serious discussion, the argument from capriciousness looms large in briefs and decisions because for the last seventy years courts have tried—unproductively—to prevent errors of procedure, or of evidence collection, or of decision-making, by the paradoxical method of letting defendants go free as a punishment, or warning, or deterrent, to errant law enforcers. The strategy admittedly never has prevented the errors it was designed to prevent—although it has released countless guilty persons. But however ineffective it be, the strategy had a rational purpose. The rationality, on the other hand, of arguing that a penalty must be abolished because of allegations that some guilty persons escape it, is hard to fathom—even though the argument was accepted by some Justices of the Supreme Court.

The essential moral question. Is the death penalty morally just and/or useful? This is the essential moral, as distinguished from constitutional, question. Discrimination is irrelevant to this moral question. If the death penalty were distributed quite equally and uncapriciously and with superhuman perfection to all the guilty, but was morally unjust, it would remain unjust in each case. Contrariwise, if the death penalty is morally just, however discriminatorily applied to only some of the guilty, it does remain just in each case in which it is applied. Thus, if it were applied exclusively to guilty males, and never to guilty females, the death penalty, though unequally applied, would remain just. For justice consists in punishing the guilty and sparing the innocent, and its equal extension, though desirable, is not part of it. It is part of equality, not of justice (or injustice), which is what equality equalizes. The same consideration would apply if some benefit were distributed only to males but not equally to deserving females. The inequality would not argue against the benefit, or against distribution to deserving males, but rather for distribution to equally deserving females. Analogously, the nondistribution of the death penalty to guilty females would argue for applying it to them as well, and not against applying it to guilty males.

The utilitarian (political) effects of unequal justice may well be detrimental to the social fabric because they outrage our passion for equality, particularly for equality before the law. Unequal justice is also morally repellent. Nonetheless unequal justice is justice still. What is repellent is the incompleteness, the inequality, not the justice. The guilty do not become innocent or less deserving of punishment because others escaped it. Nor does any innocent deserve punishment because others suffer it. Justice remains just, however

(Continues on page 402)

7. Although this is the burden of Charles Black's *Capital Punishment: The Inevitability of Caprice and Mistake* (Norton, 1974). *Codex ipsus loquitur.*

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"Ætna, heal thyself."

In recent months, Ætna has been blunt in criticizing some expensive flaws in America's health care system.

Our bluntness has brought us, in return, equally blunt criticism of ourselves:

A hospital administrator from Illinois says that Ætna's *own*

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insurance plans have encouraged overuse of hospitals—since we pay for some procedures only when the insured person is hospitalized, even though out-patient treatment might cost less. (He's right. Some plans do this. We need to work harder to change them.[1])

Several doctors asked how we could claim to "give consumers a stake in holding down costs" when we're still selling health insurance that has little or no deductible.[2]

Another physician says that skyrocketing malpractice insurance premiums have forced him to increase the charges to his patients.[3]

Another accuses Ætna of "scapegoatism" and "kicking the dog," and a hospital representative contends "you attack us."[4]

To these last charges we plead "not guilty." Our criticism is aimed at the *health care system* and not at doctors or hospitals—although all participants (including Ætna) must share some responsibility. Most worthwhile changes in society bring with them strong disagreements and public debate. Slowing the runaway costs of this system needs open discussion now. Ætna will keep focusing on the flaws we see. And we'll keep welcoming—and responding to—the views of those who disagree with us most strongly.

Ætna wants insurance to be affordable.

[1]In the last few years we've intensified our efforts to correct this imbalance: Ætna health insurance plans are covering more and more kinds of out-patient care. Examples: Post-hospital convalescent facilities (since 1969); free-standing ambulatory surgical centers (since 1973); pre-admission testing (experimentally since 1970—now being extended nationally); and post-hospital home health care already available in many plans.

[2]This is also true. Although Ætna has been stressing the value of deductibles and co-insurance since the mid-1950's, the physicians' criticism is fair: we *are* still writing insurance plans that have no deductibles for hospital charges. The pressure to "give the customer what he wants" is a constant in business. Ætna, like most insurers, has given in to it too many times when it may not have been in society's long-term interest.

[3]An increase, starting in the early 1970's, in the number and size of liability suits caught insurers by surprise, and drastically forced up premiums to cover legal costs, court awards and out-of-court settlements. Part of the solution, Ætna believes, is to reform an increasingly *dis*-torted tort law system. This is a subject as controversial and important as the health care system itself.

[4]In response to our earlier advertisements, several doctors wrote along these lines: "Ætna, being a large company, can afford to take pages in national magazines and push its opinions; I, as a private practitioner of medicine, obviously cannot." This advertisement is a recognition of that point of view. But we don't think that any of us involved in the health care system can afford to overlook our own contribution to the problem. Each of us should give some criticism, take some—*and act on it.*

Ætna
LIFE & CASUALTY

Ætna Life & Casualty,
151 Farmington Avenue,
Hartford, CT 06156

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BEAUTS FROM THE BUGGED BEGONIA
AT THE BELLICOSE BARBECUE

"Try to look at Detente as the Other Side of the Ten Cent Quarter"

"It's getting so a Red-Handed Third-Offender has to wait weeks to get a fair Mistrial!"

"Using this Pretzel as a Straight-edge, watch me demonstrate conclusively that our country's self-interests are best determined by World Opinion!"

"Cy Vance says there's no truth to the report that he regards Andy Young as the Best Boss he ever had"

Fanning the Slipstream

Abuse of Distance

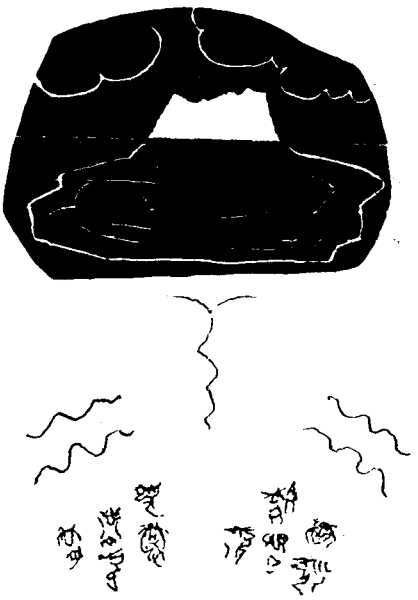
No-Fault Guilt

Rounding Off the Half Confused

Push Button Stultification

Million Dollar Mud Pies

Unsavory Truth Squads

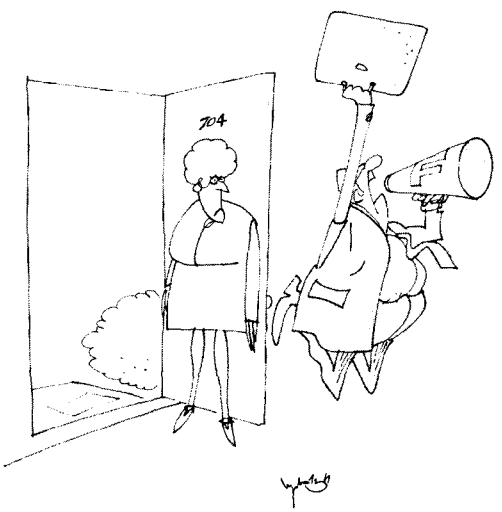


"Let's put it behind us!"

From Authorized Pre-"Edited" version of *The Boggle*, by John Kreuttner.

ROTHCO

". . . And how long have you had these recurring dreams about solar energy?"



"Fight! Fight! Fight inflation!"

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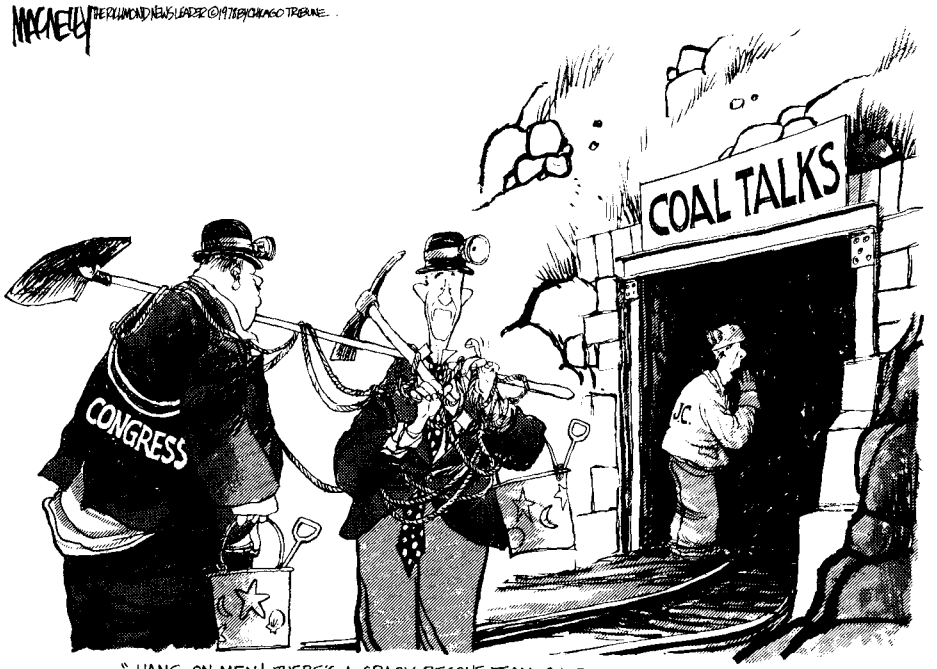
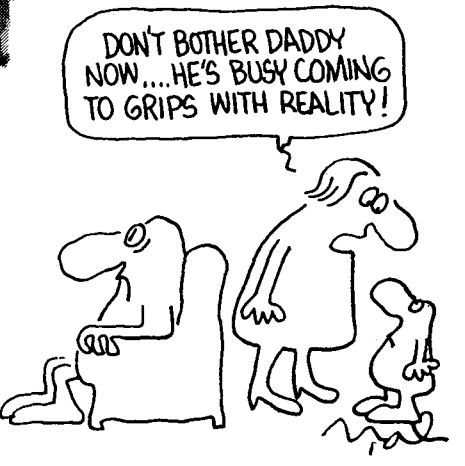
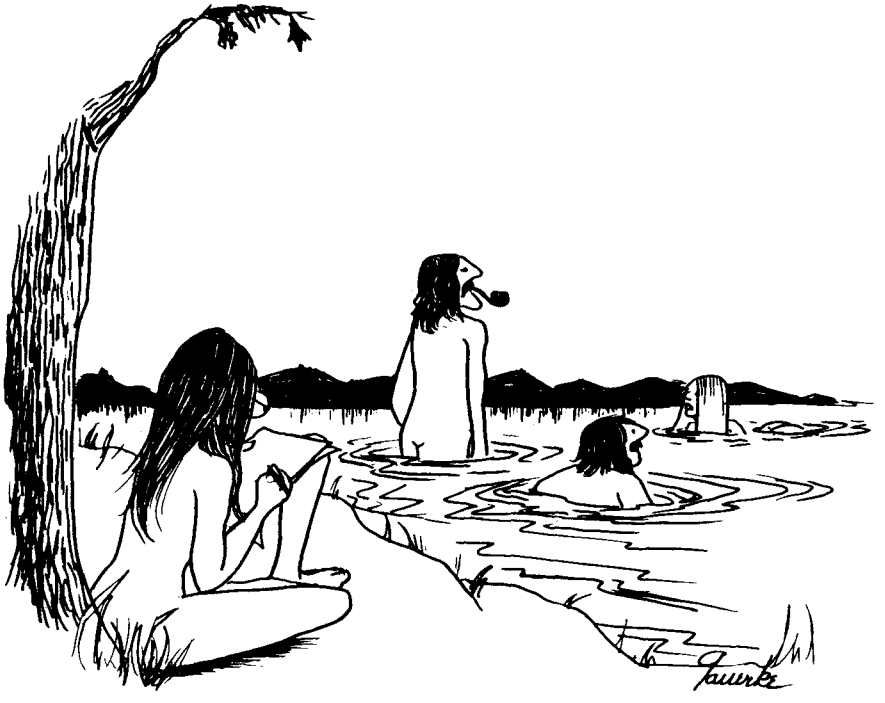


"HANG ON MEN! THERE'S A CRACK RESCUE TEAM ON THE WAY!"





"I'm sure you and Daddy will be happy to know I haven't worn dungarees and T-shirts all season."

Eleanor Holmes Norton

Mark the name and get this straight:
Eleanor's outlawing hate.
She's assigned to guarantee
Equal Opportunity.
Mr. Businessman, beware;
Universities, take care—
If your quota's under plan,
You could be an also-ran.
You've been warned; don't be surprised.
Jimmy's getting organized.

W. H. VON DREELE

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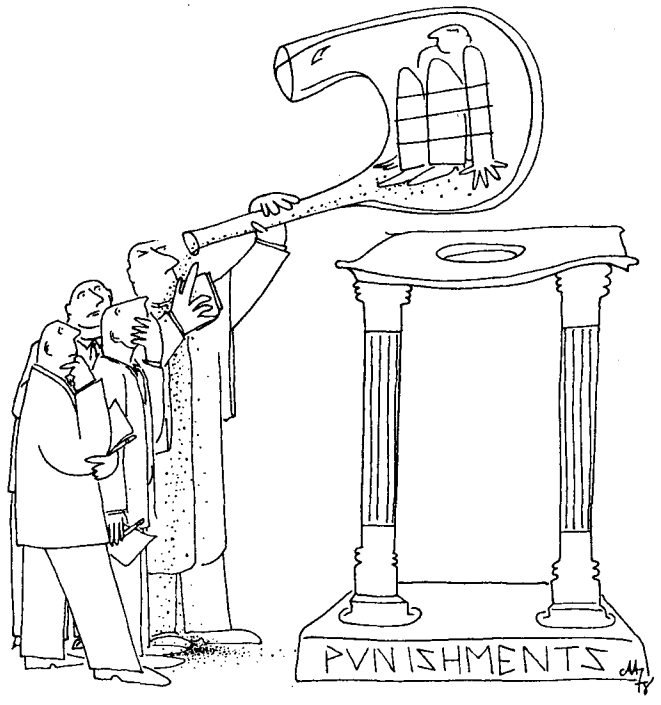
(Continued from page 397)

unequal, while injustice remains unjust, however equal. However much each is desired, justice and equality are not identical. Equality before the law should be extended and enforced, then—but not at the expense of justice.

Maldistribution among the guilty: a sham argument. Capriciousness, at any rate, is used as a sham argument against capital punishment by all abolitionists I have ever known. They would oppose the death penalty if it could be meted out without any discretion whatsoever. They would oppose the death penalty in a homogeneous country without racial discrimination. And they would oppose the death penalty if the incomes of those executed and of those spared were the same. Abolitionists oppose the death penalty, not its possible maldistribution. They should have the courage of their convictions.

Maldistribution between the guilty and the innocent: another sham argument. What about persons executed in error? The objection here is not that some of the guilty get away, but that some of the innocent do not—a matter far more serious than discrimination among the guilty. Yet, when urged by abolitionists, this too is a sham argument, as are all distributional arguments. For abolitionists are opposed to the death penalty for the guilty as much as for the innocent. Hence, the question of guilt, if at all relevant to their position, cannot be decisive for them. Guilt is decisive only to those who urge the death penalty for the guilty. They must worry about distribution—part of the justice they seek.

Miscarriages of justice. The execution of innocents believed guilty is a miscarriage of justice which must be opposed whenever detected. But such miscarriages of justice do not warrant abolition of the death penalty. Unless the moral drawbacks of an activity or practice, which include the possible death of innocent bystanders, outweigh the moral advantages, which include the innocent lives that might be saved by it, the activity is warranted. Most human activities—construction, manufacturing, automobile and air traffic, sports, not to speak of wars and revolutions—cause the death of some innocent bystanders. Nevertheless, if the advantages sufficiently outweigh the disadvantages, human activities, including those of the penal system with all its punishments, are morally justified. Consider now the advantages in question.



III.

Deterrence

New evidence. Is there evidence for the usefulness of the death penalty in securing the life of the citizens? Researchers in the past found no statistical evidence for the effects sought: i.e., marginal deterrent effects, deterrent effects over and above those of alternative sanctions. However, in the last few years new and more sophisticated research has led, for instance, Professor Isaac Ehrlich to conclude that over the period 1933-1969, "an additional execution per year . . . may have resulted on the average in seven or eight fewer murders."[8] Other investigators have confirmed Ehrlich's tentative results. Not surprisingly, refutations have been attempted, and Professor Ehrlich has answered them. He has also published a new cross-sectional analysis of the data which confirms the conclusions of his original (time-series) study.[9] The matter will remain controversial for some time,[10] but two tentative conclusions can be drawn with some confidence by now. First, Ehrlich has shown that previous investigations, which did not find deterrent effects of the death penalty, suffer from fatal defects. Second, there is now some likelihood—much more than hitherto—of demonstrating marginal deterrent effects statistically.

The choice. Thus, with respect to deterrence, we must choose 1) to trade the certain shortening of the life of a convicted murderer for the survival of between seven and eight innocent victims whose future murder by others may be less likely if the convicted murderer is executed. Or 2) to trade the certain lengthening of the life of a convicted murderer for the possible loss of the lives of between seven and eight innocent victims, who may be more likely to be

8. "The Deterrent Effect of Capital Punishment: A Question of Life and Death." *American Economic Review*, June 1975. In the period studied capital punishment was already infrequent and uncertain. Its deterrent effect might be greater when more frequently imposed for capital crimes, so that a prospective offender would feel more certain of it.

9. See *Journal of Legal Studies*, January 1977; *Journal of Political Economy*, June 1977; and (this is the cross-sectional analysis) *American Economic Review*, June 1977.

10. *Per contra* see Brian Forst in *Minnesota Law Review*, May 1977, and *Deterrence and Incapacitation* (National Academy of Sciences, Washington, D.C., 1978). By now statistical analyses of the effects of the death penalty have become a veritable cottage industry. This has happened since Ehrlich found deterrent effects. No one much bothered when Thorsten Sellin found none. Still, it is too early for more than tentative conclusions. The two papers mentioned above are replied to, more than adequately in my view, in Isaac Ehrlich's "Fear of Deterrence," *Journal of Legal Studies*, June 1977.

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murdered by others because of our failure to execute the convicted murderer.[11]

If we were certain that executions have a zero marginal effect, they could not be justified in deterrent terms. But even the pre-Ehrlich investigations never did demonstrate this. They merely found that an above-zero effect cannot be demonstrated statistically. While we do not know at present the degree of confidence with which we can assign an above-zero marginal deterrent effect to executions, we can be more confident than in the past. It seems morally indefensible to let convicted murderers survive at the probable —even at the merely possible—expense of the lives of innocent victims who might have been spared had the murderers been executed.

Non-deterrence as a sham argument. Most of the studies purporting to show that capital punishment produces no added deterrence, or that it cannot be shown to do so, were made by abolitionists, such as Professor Thorsten Sellin. They were used to show the futility of the death penalty. Relying on their intuition as well as on these studies, many abolitionists still are convinced that the death penalty is no more deterrent than life imprisonment. And they sincerely believe that the failure of capital punishment to produce additional deterrence argues for abolishing it. However, the more passionate and committed abolitionists use the asserted ineffectiveness of the death penalty as a deterrent as a sham argument—just as they use alleged capriciousness and maldistribution in application. They use the argument for debating purposes—but actually would abolish the death penalty even if it were an effective deterrent, just as they would abolish the death penalty if it were neither discriminatorily nor otherwise maldistributed.

PROFESSORS CHARLES BLACK (Yale Law School) and Hugo Adam Bedau (Tufts, Philosophy) are both well known for their public commitment to abolition of the death penalty, attested to by numerous writings. At a symposium held on October 15, 1977 at the Arizona State University at Tempe, Arizona, they were asked to entertain the hypothesis —whether or not contrary to fact—that the death penalty is strongly deterrent over and above alternative penalties: Would they favor abolition in the face of conclusive proof of a strong deterrent effect over and above that of alternative penalties? Both gentlemen answered affirmatively. They were asked whether they would still abolish the death penalty if they knew that abolition (and replacement by life imprisonment) would increase the homicide rate by 10 per cent, 20 per cent, 50 per cent, 100 per cent, or 1,000 per cent. Both gentlemen continued to answer affirmatively.

I am forced to conclude that Professors Black and Bedau think the lives of convicted murderers (however small their number) are more worth preserving than the lives of an indefinite number of innocent victims (however great their number). Or, the principle of abolition is more important to them than the lives of any number of innocent murder victims who would be spared if convicted murderers were executed.

I have had occasion subsequently to ask former Attorney General Ramsey Clark the same questions; he answered as Professors Black and Bedau did, stressing that nothing could persuade him to favor the death penalty—however deterrent it might be. (Mr. Clark has kindly permitted me to quote his view here.)

Now, Professors Black and Bedau and Mr. Clark do *not* believe that the death penalty adds deterrence. They do not believe therefore—regardless of the evidence—that abolition would cause an increase in the homicide rate. But the question they were asked, and which—after some dodging—they answered forthrightly, had nothing to do with the acceptance or rejection of the deterrent effect of the death penalty. It was a hypothetical question: If it were deterrent, would you still abolish the death penalty? Would you still abolish it if it were very deterrent, so that abolition would lead to a quantum jump in the murder rate? They answered affirmatively.

These totally committed abolitionists, then, are not interested in deterrence. They claim that the death penalty does not add to deterrence only as a sham argument. Actually, whether or not the death penalty deters is, to them, irrelevant. The intransigence of these committed humanitarians is puzzling as well as inhumane. Passionate ideological commitments have been known to have such effects. These otherwise kind and occasionally reasonable persons do not want to see murderers executed ever—however many innocent lives can be saved thereby. *Fiat injustitia, pereat humanitas.*

Experiments? In principle one could experiment to test the deterrent effect of capital punishment. The most direct way would be to legislate the death penalty for certain kinds of murder if committed on weekdays, but never on Sunday. Or, on Monday, Wednesday, and Friday, and not on other days; on other days, life imprisonment would be the maximum sentence. (The days could be changed around every few years to avoid possible bias.) I am convinced there will be fewer murders on death-penalty than on life-imprisonment days. Unfortunately the experiment faces formidable obstacles.[12]

The burden of proof of usefulness. Let me add a common-sense remark. Our penal system rests on the proposition that more severe penalties are more deterrent than less severe penalties. We assume, rightly, I believe, that a $5 fine deters rape less than a $500 fine, and that the threat of five years in prison will deter more than either fine.[13] This as-

11. I thought that prudence as well as morality commanded us to choose the first alternative even when I believed that the degree of probability and the extent of deterrent effects might remain unknown. (See my "On Deterrence and the Death Penalty," *Journal of Criminal Law, Criminology, and Police Science*, June 1969.) That probability is more likely to become known now and to be greater than was apparent a few years ago.

12. Though it would isolate deterrent effects of the punishment from incapacitating effects, and also from the effect of Durkheimian "normative validation" when it does not depend on threats. Still, it is not acceptable to our sense of justice that people guilty of the same crime would deliberately get different punishments and that the difference would be made to depend deliberately on a factor irrelevant to the nature of the crime or of the criminal.

13. As indicated before, demonstrations are not available for the exact addition to deterrence of each added degree of severity in various circumstances, and with respect to various acts. We have coasted so far on a sea of plausible assumptions. (It is not contended, of course, that the degree of severity alone determines deterrent effects. Other factors may reinforce or offset the effect of severity, be it on the motivational [incentive] side, or as added costs and risks.)

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sumption of the penal system rests on the common experience that, once aware of them, people learn to avoid natural dangers the more likely these are to be injurious and the more severe the likely injuries. Else the survival of the human race would be hard to explain. People endowed with ordinary common sense (a class that includes a modest but significant number of sociologists) have found no reason why behavior with respect to legal dangers should differ from behavior with respect to natural dangers. Indeed, it doesn't. Hence, all legal systems proportion threatened penalties to the gravity of crimes, both to do justice and to achieve deterrence in proportion to that gravity.

But if, *ceteris paribus*, the more severe the penalty the greater the deterrent effect, then the most severe available penalty—the death penalty—would have the greatest deterrent effect. Arguments to the contrary assume either that capital crimes never are deterrable (sometimes merely because not all capital crimes have been deterred), or that, beyond life imprisonment, the deterrent effect of added severity is necessarily zero. Perhaps. But the burden of proof must be borne by those who presume to have located the point of zero marginal returns before the death penalty.

The threat of death needed in special circumstances. Another common-sense observation. Without the death penalty, we necessarily confer immunity on just those persons most likely to be in need of deterrent threats: thus, prisoners serving life sentences can kill fellow prisoners or guards with impunity. Prison wardens are unlikely to be able to prevent violence in prisons as long as they give humane treatment to inmates and have no serious threats of additional punishment available for the murderers among them who are already serving life sentences. I cannot see the moral or utilitarian reasons for giving permanent immunity to homicidal life prisoners, thereby endangering the other prisoners and the guards, in effect preferring the life prisoners to their victims who *could* be punished if they murdered.

Outside prison an offender who expects a life sentence for his offense may murder his victim, or witnesses, or the arresting officer, to improve his chances of escaping. He could not be threatened with an additional penalty for his additional crime—an open invitation. Only the death penalty could deter in such cases.[14] If there is but a possibility that it will, we should retain it. But I believe there is a *probability* that the threat of the death penalty will deter.

Reserved for the worst crimes. However, effective deterrence requires that the threat of the ultimate penalty be reserved for the worst crime from which the offender may be deterred by that threat. Hence, the extreme punishment should not be prescribed when the offender, because already threatened by it, might feel he can add further crimes with impunity. Thus, rape, or kidnapping, should not incur the death penalty, while killing the victim of either crime should.[15] (The death penalty for rape may actually function as an incentive to murder the victim/witness.) This may not stop an Eichmann after his first murder; but it will stop most people before. To be sure, an offender not deterred from murdering one victim by the threat of execution is unlikely to be deterred from additional murders by further threats. The range of effective punishments is not infinite; on the contrary, it is necessarily more restricted than the range of possible crimes. Some offenders cannot be deterred by any threat. But most people can be; and most people respond to the size of the threat addressed to them. Since death is the ultimate penalty—the greatest threat available—it must be reserved for the ultimate crime even though it cannot always prevent it.

IV.

Some Popular Arguments

Consider now some popular arguments against capital punishment.

Barbarization. According to Beccaria, with the death penalty the "laws which punish homicide . . . themselves commit it," thus giving "an example of barbarity." Those who speak of "legalized murder" use an oxymoronic phrase to echo this allegation. However, punishments—fines, incarcerations, or executions—although often physically identical to the crimes punished, are neither crimes, nor their moral equivalent. The difference between crimes and lawful acts, including punishments, is not physical, but legal: crimes differ from other acts by being unlawful. Driving a stolen car is a crime, though not physically distinguishable from driving a car lawfully owned. Unlawful imprisonment and kidnapping need not differ physically from the lawful arrest and incarceration used to punish unlawful imprisonment and kidnapping. Finally, whether a lawful punishment gives an "example of barbarity" depends on how the moral difference between crime and punishment is perceived. To suggest that its physical quality, *ipso facto*, morally disqualifies the punishment is to assume what is to be shown.

It is quite possible that all displays of violence, criminal or punitive, influence people to engage in unlawful imitations. This seems one good reason not to have public executions. But it does not argue against executions. Objections to displaying on TV the process of violently subduing a resistant offender do not argue against actually subduing him.[16] Arguments against the public display of vivisections,

14. Particularly since he, unlike the person already in custody, may have much to gain from his additional crime (see Footnote 18).

15. The Supreme Court has decided that capital punishment for rape (at least of adults) is "cruel and unusual" (*Coker* v. *Georgia*, 1977). For the reasons stated in the text, I welcome the decision—but not the justification given by the Supreme Court. The penalty may indeed be as excessive as the court feels it is, but not in the constitutional sense of being irrationally or extravagantly so, and thus contrary to the Eighth Amendment. The seriousness of the crime of rape and the appropriateness of the death penalty for it are matters for political rather than judicial institutions to decide. I should vote against the death penalty for rape—and not only for the reasons stated in the text above; but the Court should have left the matter to the vote of the citizens.

The charge of racially discriminatory application was most often justified when the penalty was inflicted for rape. Yet I doubt that the charge will be dropped, or that the agitation against the death penalty will stop, once it is no longer inflicted for rape. Discrimination never was more than a pretext used by abolitionists.

16. There is a good argument here against unnecessary public displays of violence. (See my "What to Do about TV Violence," *The Alternative*, August/September 1976).

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or of the effects of painful medications, do not argue against either. Arguments against the public display of sexual activity do not argue against sexual activity. Arguments against public executions, then, do not argue against executions.[17] The deterrent effect of punishments depends on their being known. But it does not depend on punishments' being carried out publicly. The threat of imprisonment deters, but incarcerated persons are not on public display.

Crimes of passion. Abolitionists often maintain that most capital crimes are "acts of passion" which a) could not be restrained by the threat of the death penalty, and b) do not deserve it morally even if other crimes might. It is not clear to me why a crime motivated by, say, sexual passion is morally less deserving of punishment than one motivated by passion for money. Is the sexual passion morally more respectable than others? or more gripping? or just more popular? Generally, is violence in personal conflicts morally more excusable than violence among people who do not know each other? A precarious case might be made for such a view, but I shall not attempt to make it.

Perhaps it is true, however, that many murders are irrational "acts of passion" which cannot be deterred by the threat of the death penalty. Either for this reason or because "crimes of passion" are thought less blameworthy than other homicides, most "crimes of passion" are not punishable by death now.[18]

But if most murders are irrational acts, it would therefore seem that the traditional threat of the death penalty has succeeded in deterring most rational people, or most people when rational, from committing murder, and that the fear of the penalty continues to deter all but those who are so irrational that they cannot be deterred by any threat. Hardly a reason for abolishing the death penalty. Indeed, that capital crimes are committed mostly by irrational persons and only by some rational ones would suggest that more rational persons might commit these crimes if the penalty were lower. This hardly argues against capital punishment. Else we would have to abolish penalties whenever they succeed in deterring people. Yet abolitionists urge that capital punishment be abolished because capital crimes are most often committed by the irrational—as though deterring the rational is not quite enough.

Samuel Johnson. Finally, some observations on an anecdote reported by Boswell and repeated ever since *ad nauseam.* Dr. Johnson found pickpockets active in a crowd assembled to see one of their number hanged. He concluded that executions do not deter. His conclusion does not follow from his observation.

1. Since the penalty Johnson witnessed was what pickpockets had expected all along, they had no reason to reduce their activities. Deterrence is expected to increase (i.e., crime is expected to decrease) only when penalties do. It is unreasonable to expect people who entered a criminal occupation—e.g., that of pickpocket—fully aware of the risks, to be subsequently deterred by those risks if they are not increased. They will not be deterred unless the penalty becomes more severe, or is inflicted more often.

2. At most, a public execution could have had the deterrent effect on pickpockets expected by Dr. Johnson because of its visibility. But visibility may also have had a contrary effect: the spectacle of execution was probably more fascinating to the crowd than other spectacles; it distracted attention from the activities of pickpockets and thereby increased their opportunities more than other spectacles would. Hence, an execution crowd might have been more inviting to pickpockets than other crowds. (As mentioned before, deterrence depends on knowledge, but does not require visibility.)

3. Even when the penalty is greatly increased, let alone when it is unchanged, the deterrent effect of penalties is usually slight with respect to those already engaged in criminal activities.[19] Deterrence is effective in the main by restraining people not as yet committed to a criminal occupation from entering it. This point bears some expansion.

THE RISK OF PENALTY is the cost of crime offenders expect. When this cost (the penalty multiplied by the risk of suffering it) is high enough, relative to the benefit the crime is expected to yield, the cost will deter a considerable number of people who would have entered a criminal occupation had the cost been lower. When the net benefit is very low, only those who have no other opportunities at all, or are irrationally attracted to it, will want to engage in an illegal activity such as picking pockets. In this respect the effects of the cost of crime are not different from the effects of the cost of automobiles or movie tickets, or from the effects of the cost (effort, risks, and other disadvantages) of any activity relative to its benefits. When (comparative) net benefits decrease because of cost increases, so does the flow of new entrants. But those already in the occupation usually continue. *Habits, law-abiding or criminal, are less influenced by costs than habit formation is.* That is as true for the risk of penalties as for any other cost.

Most deterrence studies disregard the fact that the major effect of the legal threat system is on habit formation rather than on habits formed. It is a long- rather than a short-run effect. By measuring only the short-run effects (on habits already formed) rather than the far more important long-run (habit-forming) effects of the threat system, such studies underrate the effectiveness of the deterrence.

4. Finally, Dr. Johnson did not actually address the question of the deterrent effect of execution in any respect whatever. To do so he would have had to compare the number of pocket-picking episodes in the crowd assembled to witness the execution with the number of such episodes in a similar crowd assembled for some other purpose. He did not do so, probably because he thought that a deterrent effect occurs only if the crime is altogether eliminated.

17. It may be noted that in Beccaria's time executions were regarded as public entertainments. *Tempora mutantur et nos mutamur in illis.*

18. I have reservations on both these counts, being convinced that many crimes among relatives, friends, and associates are as blameworthy and as deterrable as crimes among strangers. Thus, major heroin dealers in New York are threatened with life imprisonment. In the absence of the death penalty they find it advantageous to have witnesses killed. Such murders surely are not acts of passion in the classical sense, though they occur among associates. They are, in practice, encouraged by the present penal law in New York.

19. The high degree of uncertainty and arbitrariness of penalization in Johnson's time may also have weakened deterrent effects. Witnessing an execution cannot correct this defect.

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That is a common misunderstanding. But crime can only be reduced, not eliminated. However harsh the penalties there are always non-deterrables. Many, perhaps most, people can be deterred, but never all.

V.

Final Moral Considerations

The motive of revenge. One objection to capital punishment is that it gratifies the desire for revenge, regarded as morally unworthy. The Bible has the Lord declare: "Vengeance is mine" (Romans 12:19). He thus legitimized vengeance and reserved it to Himself, probably because it would otherwise be disruptive. But He did not deprecate the desire for vengeance.

Indeed Romans 12:19 barely precedes Romans 13:4, which tells us that the ruler "beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil." It is not unreasonable to interpret Romans 12:19 to suggest that revenge is to be delegated by the injured to the ruler, "the minister of God" who is "to execute wrath." The Bible also enjoins, "the murderer shall surely be put to death" (Numbers 35:16-18), recognizing that the death penalty can be warranted —whatever the motive. Religious tradition certainly suggests no less. However, since religion expects justice and vengeance in the world to come, the faithful may dispense with either in this world, and with any particular penalties —though they seldom have. But a secular state must do justice here and now—it cannot assume that another power, elsewhere, will do justice where its courts did not.

The motives for the death penalty may indeed include vengeance. Vengeance is a compensatory and psychologically reparatory satisfaction for an injured party, group, or society. I do not see wherein it is morally blameworthy. When regulated and controlled by law, vengeance is also socially useful: legal vengeance solidifies social solidarity against lawbreakers and probably is the only alternative to the disruptive private revenge of those who feel harmed. Abolitionists want to promise murderers that what they did to their victims will never be done to them. That promise strikes most people as psychologically incongruous. It is.

At any rate, vengeance is irrelevant to the function of the death penalty. It must be justified independently, by its purpose, whatever the motive. An action, a rule, or a penalty cannot be justified or discredited by the motive for it. No rule should be discarded or regarded as morally wrong (or right) because of the motive of those who support it. Actions, rules, or penalties are justified not by the motives of supporters but by their purpose and by their effectiveness in achieving it without excessively impairing other objectives.[20] Capital punishment is warranted if it achieves its purpose—doing justice and deterring crime—regardless of whether or not it is motivated by vengeful feelings.

Characteristics. Before turning to its purely moral aspects, we must examine some specific characteristics of capital punishment. It is feared above all punishments because 1) it is not merely irreversible, as most other penalties are, but also irrevocable; 2) it hastens an event which, unlike pain, deprivation, or injury, is unique in every life and never has been reported on by anyone. Death is an experience that cannot actually be experienced and that ends all experience. Actually, being dead is no different from not being born—a (non)experience we all had before being born. But death is not so perceived. The process of dying, a quite different matter, is confused with it. In turn, dying is feared mainly because death is anticipated—even though death is feared because confused with dying. At any rate, the fear of death is universal and is often attached to the penalty that hastens it—as though without that penalty death would not come. 3) However, the penalty is feared for another reason as well. When death is imposed as a deliberate punishment by one's fellow men, it signifies a complete severing of human solidarity. The convict is explicitly and dramatically rejected by his fellow humans, found unworthy of their society, of sharing life with them. The rejection exacerbates the natural separation anxiety of those who expect imminent death, the fear of final annihilation. Inchoate as these characteristics are in most minds, the specific deterrent effect of executions depends on them, and the moral justification of the death penalty, above and beyond the deterrent effect, does no less.

Methodological aside. Hitherto I have relied on logic and fact. Without relinquishing either, I must appeal to plausibility as well, as I turn to questions of morality unalloyed by other issues. For, whatever ancillary service facts and logic can render, what one is persuaded to accept as morally right or wrong depends on what appears to be plausible in the end. Outside the realm of morals one relies on plausibility only in the beginning.

The value of life. If there is nothing for the sake of which one may be put to death, can there ever be anything worth risking one's life for? If there is nothing worth dying for, is there any moral value worth living for? Is a life that cannot be transcended by—and given up, or taken, for—anything beyond itself more valuable than one that can be transcended? Can it be that existence, life itself, is the highest moral value, never to be given up, or taken, for the sake of anything? And, psychologically, does a social value system in which life itself, however it is lived, becomes the highest of goods enhance the value of human life or cheapen it? I shall content myself here with raising these questions.[21]

Homo homini res sacra. "The life of each man should be sacred to each other man," the ancients tell us. They unflinchingly executed murderers.[22] They realized it is not enough to proclaim the sacredness and inviolability of human life. It must be secured as well, by threatening with the loss of their own life those who violate what has been

20. Different motives (the reason why something is done) may generate the same action (what is done), purpose, or intent, just as the same motive may lead to different actions.

21. Insofar as these questions are psychological, empirical evidence would not be irrelevant. But it is likely to be evaluated in terms depending on moral views.

22. Not always. On the disastrous consequences of periodic failure to do so, Sir Henry Maine waxes eloquent with sorrow in his *Ancient Law* (pp. 408-9).

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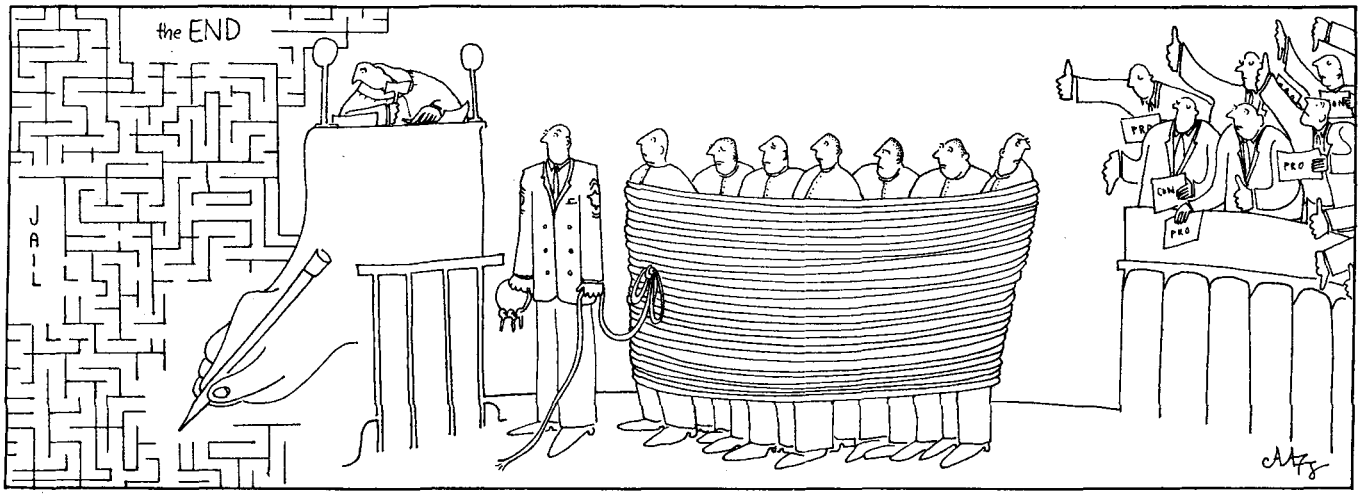

proclaimed as inviolable—the right of innocents to live. Else the inviolability of human life is neither credibly proclaimed nor actually protected. No society can profess that the lives of its members are secure if those who did not allow innocent others to continue living are themselves allowed to continue living—at the expense of the community. To punish a murderer by incarcerating him as one does a pickpocket cannot but cheapen human life. Murder differs in quality from other crimes and deserves, therefore, a punishment that differs in quality from other punishments. There is a discontinuity. It should be underlined, not blurred.

If it were shown that no punishment is more deterrent than a trivial fine, capital punishment for murder would remain just, even if not useful. For murder is not a trifling offense. Punishment must be proportioned to the gravity of the crime, if only to denounce it and to vindicate the importance of the norm violated. Wherefore all penal systems proportion punishments to crimes. The worse the crime the higher the penalty deserved. Why not then the highest penalty—death—for the worst crime—wanton murder? Those rejecting the death penalty have the burden of showing that no crime ever deserves capital punishment[23] —a burden which they have not so far been willing to bear.

Abolitionists insist that we all have an imprescriptible right to live to our natural term: if the innocent victim had a right to live, so does the murderer. That takes egalitarianism too far for my taste. The crime sets victim and murderer apart; if the victim did, the murderer does not deserve to live. If innocents are to be secure in their lives murderers cannot be. The thought that murderers are to be given as much right to live as their victims oppresses me. So does the thought that a Stalin, a Hitler, an Idi Amin should have as much right to live as their victims did.

Failure of nerve. Never to execute a wrongdoer, regardless of how depraved his acts, is to proclaim that no act can be so irredeemably vicious as to deserve death—that no human being can be wicked enough to be deprived of life. Who actually can believe that? I find it easier to believe that those who affect such a view suffer from a failure of nerve. They do not think themselves—and therefore anyone else—competent to decide questions of life and death. Aware of human frailty, they shudder at the gravity of the decision and refuse to make it. The irrevocability of a verdict of death is contrary to the modern spirit that likes to pretend that nothing ever is definitive, that everything is open-ended, that doubts must always be entertained and revisions must always remain possible. Such an attitude may be helpful to the reflections of inquiring philosophers and scientists; but it is not proper for courts. They must make final judgments beyond a reasonable doubt. They must decide. They can evade decisions on life and death only by giving up their paramount duties: to do justice, to secure the lives of the citizens, and to vindicate the norms society holds inviolable.

ONE MAY OBJECT that the death penalty either cannot actually achieve the vindication of violated norms, or is not needed for it. If so, failure to inflict death on the criminal does not belittle the crime, or imply that the life of the criminal is of greater importance than the moral value he violated or the harm he did to his victim. But it is not so. In all societies the degree of social disapproval of wicked acts is expressed in the degree of punishment threatened.[24] Thus, punishments both proclaim and enforce social values according to the importance given to them. There is no other way for society to affirm its values. There is no other effective way of denouncing socially disapproved acts. To refuse to punish any crime with death is to suggest that the negative value of a crime can never exceed the positive value of the life of the person who committed it. I find that proposition quite implausible. □

23. One may argue that some crimes deserve more than execution and that the above reasoning would justify punitive torture as well. Perhaps. But torture, unlike death, is generally rejected. Therefore penalties have been reduced to a few kinds—fines, confinement, and execution. The issue is academic because, unlike the death penalty, torture has become repulsive to us. (Some reasons for this public revulsion are listed in Chapter 17 of my *Punishing Criminals*, Basic Books, 1975.) As was noted above (p. 404) the range of punishments is bound to be more limited than the range of crimes. We do not accept some punishments, however much deserved they may be.

24. Social approval is usually not unanimous, and the system of rewards reflects it less.

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THE SNAFU WATCH

Up—and Down—the Flagpole

ORA GYGI

WHEN OUR government pays $5,000 a day rent for a building that's empty because people are afraid to work there, and over $1 million so federal employees won't have to raise and lower flags by hand, it's time to wonder what else our hard-earned tax money may be paying for.

The modern, eight-story, empty office building we are paying $5,000 a day for is in Washington's high-crime area, and although it remains unoccupied, the government has an unbreakable 15-year lease on it.

The 115 electronic flagpoles purchased by the General Services Administration at $10,000 each were meant to eliminate the necessity of paying a maintenance person overtime when the flag is flown on weekends and holidays. It seemed like an idea whose time had come. But there have been complaints.

The poles contain a flag compartment about halfway up in which the flag is stored when it is not being flown. The rising sun activates a photosensitive cell that causes the flag to be raised in the morning; when the light fades at dusk, the same cell causes the flag to be lowered and stored away in its compartment. However, if the sun doesn't come up, the flag doesn't fly, and in cold weather the flag compartment freezes. Also, every time the sun goes behind a cloud, the photosensitive cell lowers the flag. When it's partly cloudy, Old Glory spends the whole day rushing up and down the flagpole.

However else these strange goings-on might be described, there's no doubt they add up to a Grade-A snafu.

A snafu is any chaotic or confused situation created by someone who follows a fixed routine without exercising intelligent judgment and who unquestioningly carries out complex procedures that impede effective action (Red-Tapeism). Since diffusion of authority is the rule among bureaucrats, it's difficult to know where to look to correct the foul-ups.

One thing that isn't difficult is to identify them. Snafus are becoming a trademark of our bureaucracy. If some functionary of official bumbledom thinks it's important to teach women to be more competitive by instituting a mandatory course in thumb wrestling, or to warn farmers to be careful around manure because it can be very slippery, or that you can trip over junk or trash and get hurt, or that if your ladder has a broken step, you should not climb it (these warnings and others like them were made up into sixty different booklets, at an estimated cost of nearly $700,000), or to spend $233,000 on one million "Heloise Hints" pamphlets directed at airmen's wives so they'll get their husbands to re-enlist—so be it. No one ever said a bureaucrat had to have common sense.

THE OSHA (Occupational Safety and Health Administration) had a couple of good tips which they printed in a safety brochure to be distributed at various construction sites: 1) vehicles being driven in reverse at construction sites must sound alarms, and 2) some employees must wear earplugs to protect against noise. One hopes the earplug-equipped employees will not be working at the same sites as the alarm-sounding vehicles.

It was nice of the General Services Administration to order two hundred star-spangled "Welcome to the United States" signs for use by the U.S. Customs Service at border checkpoints; but when the GSA got a new administrator, he thought the signs unnecessary and ordered them stored in a government warehouse. The artist, Peter Max, was disappointed but philosophical about the whole thing. "Oh, well, the GSA paid me $300,000, so I guess it can do what it wants with them," he said.

Economy is sometimes costly. When Gerald Ford was President, he made a courageous effort to cut paperwork, and therefore expense, by ordering a 10 per cent cut in the number of forms Americans must fill out each year. And to set a good example, he himself cut out the practice of sending birthday cards to people under eighty. But, feeling bad about this omission, he sent them a 144-word letter explaining why he couldn't send them birthday cards—even though a representative of a large printing firm estimated it would cost the White House 3¢ for each birthday card and 3½¢ for each letter.

For anyone who has ever tried to call Washington on the phone and found out—ha ha—he's dead, it's not funny. Washington's switchboard jungle specializes in recording machines, holds, ignored callbacks, runarounds, and long waits for information.

A typical example: A reporter making a call about a federal rent subsidy started by phoning the Federal Information Center in Washington. After three calls where there was no answer or a recording said the line was busy, the fourth was answered by a human being who advised him to call HUD. Two calls to HUD got no answer, so he called the Information Center back and was assured he had the right number. HUD finally answered, and he was given another number. On calls nine and ten this number was busy, but on call 11 he got through and his question was answered—one hour and three minutes after he began calling.

Why are so many callers referred to wrong numbers? A survey made by the General Accounting Office explains: the agencies either have outdated directories (some of them 32 months old) which are 44 per cent wrong, or have no directories. A U.S. senator concluded that "this delays government business," but offered no solution.

Bureaucrats are notoriously close-mouthed, but are they really hiding something from us? Maybe not. A more charitable thought is that perhaps the secrecy of their jobs does not permit them to know what they are doing.

And always remember, anything that cannot be found, may be considered lost. □

Mrs. Gygi lives with one daughter, two dogs, and three cats in a ninety-year-old home in Appleton, Wisconsin.

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Europe's Anti-Atomists

WE ARE LIVING, quite obviously, in an irrational age, and our politics are all too often dictated by emotional caprice, naïve sentimentality, and coarse ideology. Voters are encouraged to voice their opinions regardless of their level of knowledge and experience, and so in Western Europe we can expect periodic outbreaks of popular protest against parliamentary decisions—most recently, over the hotly debated issue of nuclear power plants.

Throughout the Continent, and especially in France, Germany, Switzerland, and the Netherlands, plans to construct these plants have provoked considerable unrest, even large-scale rioting. There are several reasons for this curious phenomenon. In the past decade or so, a sincere and legitimate concern for the environment has gained wide popular support. Modern man's capacity for damaging the landscape and exhausting natural resources is great, extending now even to the previously unassailable oceans and mountains.

Naïve or Not

Another motivation, however—that of the New Left—is not so admirable. It is part and parcel of the fashionable critique of all technology, the U.S. version of which is the "Limits to Growth" movement. (Ironically, the New Left shares this anti-technological bias with many European conservatives tied to a predominantly agricultural past.) Like Rousseau in his *First Discourse*, the Left has developed a sentimental yearning for a simpler, pre-industrial time. New Left groups have even established minor agrarian communes in the countryside, though, predictably, most have failed.

The naïveté of these communards is often disingenuous, however; their attack on technology also has a harder, more ideological edge, as an attack on capitalism, private industry, and the multinational corporation. They miss the obvious point that the air and water can be just as thoroughly soiled by industrial state socialism as by private enterprise. Communism has been called, accurately enough, "the Islam of technology."

Indeed, the contrast between East and West on the nuclear issue is stark. Behind the Iron Curtain the governments determine what issues are publicly discussed. These governments have given their imprimatur to full-scale industrial production, so problems of pollution and environmental protection are simply swept under the rug. If our information is correct, there has not been a single demonstration against nuclear power in the Communist countries, although they have already completed many facilities—including the breeder reactors which President Carter finds so offensive—and many more are under construction. As Lenin noted, Communism means "Soviet power plus the electrification of the whole country"—a slogan that is still widely advertised in the USSR.

While, for their part, the Soviets and East Europeans are pressing forward with nuclear power, they would obviously like to see the West retreat into a sort of romantic agrarianism. The Soviets, despite their huge farming sector (30 per cent of the population), are forced to import grain as regularly as Western farmers harvest it. A continuing food surplus is thus vital to the Red Empire.

Since Moscow has such an obvious interest in encouraging the anti-nuclear-power movement in the West, there is a strong temptation for us to indulge in conspiracy theories—a temptation that should usually be resisted. But, in this case, I suggest that these theories may be true up to a point: some of the anti-nuclear movements, though not organized by Moscow, may very well be receiving Communist aid and sympathy. However, many of those who oppose nuclear plants do so out of genuine conviction; they are able to recognize —and resist—manipulation by Left ideologues. In fact, there have been several cases already where separate demonstrations were staged: violent ones by the Left, and orderly ones by responsible citizens frightened at the trend toward nuclear power.

As to how well-founded their fears are, I offer no opinion. Only experts can judge, and their analyses have been far from unanimous. The energy problem, however, is real and present, and nuclear power could solve it—at least for the time being. The alternatives are not enticing: dependence on a) the Arab World or b) the Soviets—though the latter will presently have their own fossil fuel shortages.

The Politics of Whimsy

The problem with the nuclear protestors is, in the end, the problem with modern democracy. Our politics rest on impulse, whimsy. People are encouraged to express their opinions, even if they lack the knowledge, let alone the wisdom, to speak intelligently. Man has also come to sublimate his fighting instincts into party politics. Hundred Years' Wars have been replaced by electioneering—a good thing for those living under an atomic Sword of Damocles. But the aggressive impulse still emerges from time to time, usually in a negative fashion, in protest for protest's sake; fervor like that of the nuclear protestors could never be marshaled for a positive issue—say, to produce the Concorde. This negative tendency is exacerbated by the masses' increasing realization that, contrary to the democratic myth, party rule is really not self-rule. One is reminded of H. L. Mencken's words: "Democracy is the theory that the common people know what they want and deserve to get it good and hard." Unemployment, for instance, because of dwindling energy supplies.

And the political parties? They are shackled by the fear of losing the next election. In this respect, Left and Right offer the same unattractive spectacle. And so the gap is filled by the antics of the nuclear demonstrators, the "extra-parliamentary opposition." □

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The Vixens of HEW

From the Academy

RUSSELL KIRK

MILITANT FEMINISTS form a small minority of the American electorate. Yet, entrenched in the Department of Health, Education, and Welfare and in other federal and state bureaucracies, they behave as if they constituted an oligarchy with absolute power—all in the name of "civil rights."

For one thing, these female zealots aspire to censorship of all school textbooks. There exists already, for instance, a Textbook Project Staff of the Office of Research of the United States Commission on Civil Rights; every member of this group is a woman (sexism?), and apparently is militant. In their words, "The major product from this work will be a comprehensive review of the literature entitled: 'Biases against Minorities and Females in Textbooks.'"

Sen. Hayakawa v. *Ms. Muffet*

Last fall, Senator S. I. Hayakawa (who, unhappily for this pack of vixens, belongs to a "minority" and knows a great deal about education) took note of the peculiar biases of these foes of bias, and was joined by several other senators in "A Manifesto regarding the Textbook Survey by the Civil Rights Commission," printed in the *Congressional Record*. Dr. Hayakawa and his co-sponsors found the activities of the Textbook Project Staff perilous for the genuine civil rights of schoolchildren. The Hayakawa manifesto reproached authors and publishers for not standing up in defense of their own right to freedom of expression. "It is disconcerting," Senator Hayakawa said, "that any agency of the Federal Government should pry into the private business of book publishing. That is what the Civil Rights Commission is beginning to do, and its intrusion should be halted."

The Civil Rights feminists, having "already noted the pervasiveness of biases in textbooks presently in use" (their words), "have decided to prepare an interim product to help people who are concerned to counteract biases in textbooks now." They are sending out questionnaires to textbook publishers, demanding to know if they have guidelines for authors and editors to use in extirpating "sexism"—and if not, why not? They strongly commend certain manuals which they relish—for instance, this: "Feminists on Children's Media. Little Miss Muffet Fights Back. A Bibliography of Recommended Non-Sexist Books about Girls for Young Readers. 1974. 62 pages. $1."

In Senator Hayakawa's judgment, "The Commission's inquiry means that, if a publisher has not already forced his authors to bow to pressure-group demands in their writing, he had better begin to do so. That threat is clearly conveyed by the Commission's inquisitors, who are asking publishers, 'Will your textbook guidelines be available to interested persons subsequent to the lists' publication this Fall '77–Winter '78? If not, please state why here.'"

His conclusion is sufficiently forceful: "Mark well our words, for you can count on this—the next step will be for the HEW to pressure schools to use only federally sanctioned textbooks. Otherwise, school districts will lose federal funds. It is only a matter of time."

Such control of textbooks is only in its chrysalis stage. On other fronts, already the feminist zealots give arbitrary orders to the school administrators and teachers. This dictation seems worst in California—where the federal bureaucrats are assisted by a "Sex Equity in Education Office" newly established in the California State Department of Education. In California, as elsewhere, the principal weapon is "Title IX" of the federal act granting HEW funds to schools, colleges, and universities. "Implementation of Title IX" means that "sexism" (that is, the fallacy that boys are not girls and girls are not boys) must be stamped out, whatever the cost to academic freedom and sound sense.

There writes to me from California a well-educated teacher who is not disposed to submit to this Monstrous Regiment of Women. "I was astonished at the reach of this law," my correspondent declares. "All schools receiving government funds must comply. They must follow a prescribed schedule of change, and report to the satisfaction of local HEW overseers on their progress. They must open up grievance procedures as channels of protest for those employees or students who feel injured by 'sexism.'"

Permit me to quote from a "lecturette" (*their term*) developed by these feminist militants and thrust upon California schools. It is entitled "Change: A Process for Progress." It instructs us, in general, that "Today's society no longer will tolerate education that does not meet the future rather than the current and traditional needs of students." Then it gets down to the real business: destroying "sexism" root and branch, with some asides about bias against other "minorities." Here is a brief sample—an admonition under the head "Changing Behavior: What Can Be Done": "Goals should be as specific and operational as possible. Example: Instructional materials for the coming year will be screened for racial and sexual biases and at least ten strategies will be developed which enable students to recognize biased materials." In short, we are to eliminate "bias" by brainwashing pupils.

Marching on to Unisex

The dogmatic feminists receive privileged status in the schools, and the resistance of school administrators and teachers to such dictation of the curriculum and the textbooks is feeble. "As I see it," this teacher observes, "Title IX offers feminists their best opportunity for imposing their views on the schools. Previously they could influence schools only through political agitation . . . Now they speak officially and exert federal power. The fear of losing government money will bring almost any school board to heel."

Thus we march on toward the Brave New World of Unisex. "I oppose radical feminism," my correspondent says, "because of its extreme environmentalism. It identifies nearly all personal and interpersonal problems as problems of 'socialization,' and proposes as a solution a more enlightened socialization." And if you don't agree? Why, there's a federal Compliance Officer (probably female) watching you. In our free democracy, we are supposed to love Compliance Officers. □

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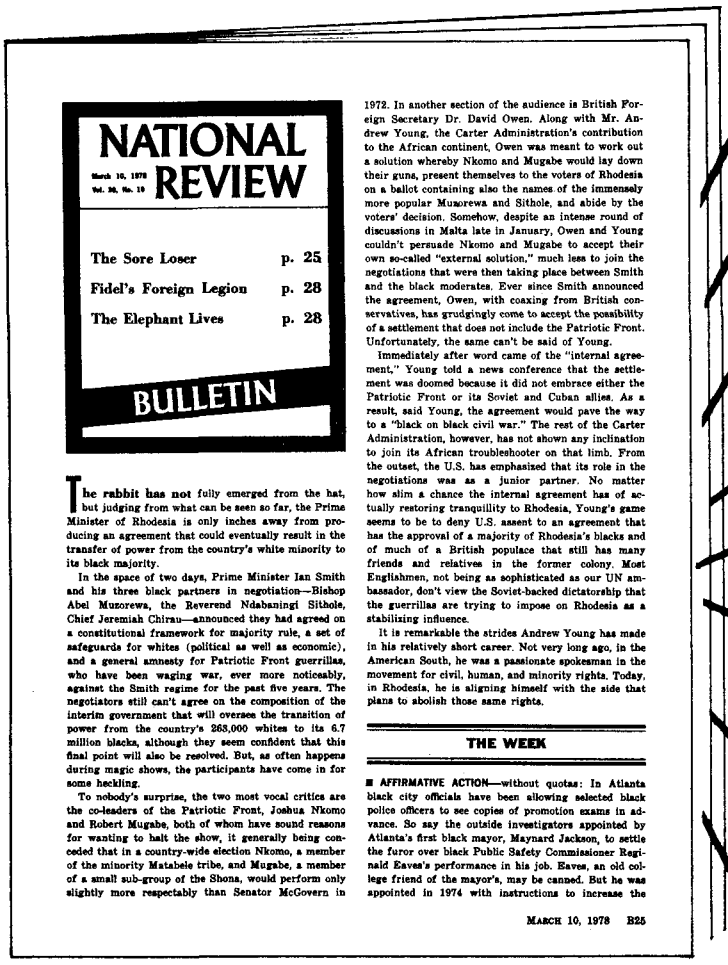

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BULLETIN

The rabbit has not fully emerged from the hat, but judging from what can be seen so far, the Prime Minister of Rhodesia is only inches away from producing an agreement that could eventually result in the transfer of power from the country's white minority to its black majority.

In the space of two days, Prime Minister Ian Smith and his three black partners in negotiation—Bishop Abel Muzorewa, the Reverend Ndabaningi Sithole, Chief Jeremiah Chirau—announced they had agreed on a constitutional framework for majority rule, a set of safeguards for whites (political as well as economic), and a general amnesty for Patriotic Front guerrillas, who have been waging war, ever more noticeably, against the Smith regime for the past five years. The negotiators still can't agree on the composition of the interim government that will oversee the transition of power from the country's 268,000 whites to its 6.7 million blacks, although they seem confident that this final point will also be resolved. But, as often happens during magic shows, the participants have come in for some heckling.

To nobody's surprise, the two most vocal critics are the co-leaders of the Patriotic Front, Joshua Nkomo and Robert Mugabe, both of whom have sound reasons for wanting to halt the show, it generally being conceded that in a country-wide election Nkomo, a member of the minority Matabele tribe, and Mugabe, a member of a small sub-group of the Shona, would perform only slightly more respectably than Senator McGovern in 1972. In another section of the audience is British Foreign Secretary Dr. David Owen. Along with Mr. Andrew Young, the Carter Administration's contribution to the African continent, Owen was meant to work out a solution whereby Nkomo and Mugabe would lay down their guns, present themselves to the voters of Rhodesia on a ballot containing also the names of the immensely more popular Muzorewa and Sithole, and abide by the voters' decision. Somehow, despite an intense round of discussions in Malta late in January, Owen and Young couldn't persuade Nkomo and Mugabe to accept their own so-called "external solution," much less to join the negotiations that were then taking place between Smith and the black moderates. Ever since Smith announced the agreement, Owen, with coaxing from British conservatives, has grudgingly come to accept the possibility of a settlement that does not include the Patriotic Front. Unfortunately, the same can't be said of Young.

Immediately after word came of the "internal agreement," Young told a news conference that the settlement was doomed because it did not embrace either the Patriotic Front or its Soviet and Cuban allies. As a result, said Young, the agreement would pave the way to a "black on black civil war." The rest of the Carter Administration, however, has not shown any inclination to join its African troubleshooter on that limb. From the outset, the U.S. has emphasized that its role in the negotiations was as a junior partner. No matter how slim a chance the internal agreement has of actually restoring tranquillity to Rhodesia, Young's game seems to be to deny U.S. assent to an agreement that has the approval of a majority of Rhodesia's blacks and of much of a British populace that still has many friends and relatives in the former colony. Most Englishmen, not being as sophisticated as our UN ambassador, don't view the Soviet-backed dictatorship that the guerrillas are trying to impose on Rhodesia as a stabilizing influence.

It is remarkable the strides Andrew Young has made in his relatively short career. Not very long ago, in the American South, he was a passionate spokesman in the movement for civil, human, and minority rights. Today, in Rhodesia, he is aligning himself with the side that plans to abolish those same rights.

THE WEEK

■ AFFIRMATIVE ACTION—without quotas: In Atlanta black city officials have been allowing selected black police officers to see copies of promotion exams in advance. So say the outside investigators appointed by Atlanta's first black mayor, Maynard Jackson, to settle the furor over black Public Safety Commissioner Reginald Eaves's performance in his job. Eaves, an old college friend of the mayor's, may be canned. But he was appointed in 1974 with instructions to increase the

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By John McPhee
Farrar, 438 pp., $10.95

The John McPhee Reader
By John McPhee
Farrar, 385 pp., $12.95

Coming into the Country is John McPhee's 13th book in a dozen years. The State of Alaska lines up on the shelves along with McPhee's other topics: basketball, oranges, atomic physics, museum directors, aeronautics, Monopoly, birchbark canoes, tennis, environmentalism, Highlanders, and headmasters. (Some McPhee essays defy taxonomy; how do you classify "Travels in Georgia," which tells about picking up dead animals off the road for skinning, for measuring, and for supper?) These 438 dense pages make the most complex McPhee of all, if literary complexity is counted in numbers of units successfully resolved. In its three-part structure—wilderness, government, settlement—it comprehends facts on the order of 10 to the 17th power. Like *The New Yorker*, which habitually prints him, McPhee is pure American, obsessed with facts: How many parts does it have? What makes it go? How big is it? What color is it? Does it make a noise? There is only one thing in the world that McPhee likes better than facts: He likes making a sentence which holds facts together.

Ah, McPhee's *sentences*! We live in a country panicked at its own illiteracy. Every week another news magazine laments, in ghastly prose, the decline of language. Edwin Newman makes millions deploring misuse and neologism; I think of Newman's passion every noon, when I watch him doing the NBC Update. In the colleges, freshman English gets blamed for all ills, while the English Department blames sociology, or television, or the decline of classical education, or the home, or high schools and junior high schools and elementary schools. BACK TO BASICS, say some reformers; unfortunately, the same folks also want the return of flogging and *droit de seigneur*.

I wish everyone would shut up and read John McPhee.

In textbooks for freshman English, authors use abstractions to recommend the use of particulars; at least, to recommend them *in moderation*. "Only those descriptive details necessary to establish the place of the action"—this is from *The Writing Commitment*, published by Harcourt Brace—"or to indicate the setting's relationship to the events in the narrative are needed." Ah, the pleasures of the King's English . . . and don't forget, while you're at it, that the passive is always to be avoided.

He is nothing if not athletic. Before he dens, or just after he emerges, if his mountains are covered with snow he will climb to the brink of some impossible schuss, sit down on his butt, and shove off. Thirty-two, sixty-four, ninety-six feet per second, he plummets down the mountainside, spray snow flying to either side, as he approaches collision with boulders and trees. Just short of catastrophe, still going at bone crushing speed, he flips to his feet and walks sedately onward as if his ride had not occurred.

McPhee's particularity is immoderate. "Grizzlies sometimes kill and eat black bears. . . . To frustrate ravens from stealing his food, he will lie down and sleep on top of a carcass, occasionally swatting the birds as if they were big black flies. He prefers a vegetable diet. He can pulp a moosehead with a single blow. . . ." And so on, endless, fascinating, until he scores a little scene to end his paragraph:

> He is nothing if not athletic. Before he dens, or just after he emerges, if his mountains are covered with snow he will climb to the brink of some impossible schuss, sit down on his butt, and shove off. Thirty-two, sixty-four, ninety-six feet per second, he plummets down the mountainside, spray snow flying to either side, as he approaches collision with boulders and trees. Just short of catastrophe, still going at bone-crushing speed, he flips to his feet and walks sedately onward as if his ride had not occurred.

The next paragraph picks up population density, and gives us some numbers. Statistics without pain. When John McPhee wants to inform us that Alaska is large, even larger for instance than the country called Italy, he lets it drop: "if anyone could figure out how to steal Italy, Alaska would be a place to hide it."

McPhee must love facts for their own sake, to collect so many of them; but he brings them together so gracefully, I sometimes imagine that he loves

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Richard Brookhiser *is on the staff of* NR. . . . **Donald Hall**'*s latest book is* Remembering Poets: Reminiscences and Opinions—Dylan Thomas, Robert Frost, T. S. Eliot, Ezra Pound. . . . **Dale Vree** *is Executive Editor of the* New Oxford Review.

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them in their obdurate infelicitous clonkiness only for what he can do with them, ugly straw for making into beautiful baskets, junk for arranging as collage. For if we read McPhee at length —the excerpts in *The John McPhee Reader* represent all his pre-Alaska books—we realize that it makes no difference what McPhee writes about; his subjects are irrelevant; we love him for his *form*. Oh, how he can shift his feet! Transitions are the *niftiest* things he does, moving from past into present, from present into past, shifting abruptly from one scene or set of characters to another. One word, halfway through a paragraph, is odd enough to take our attention. The paragraph continues for three pages of dense print, musical the way tapestry is musical, intricately working itself out. Then he will break, zap three thousand miles or years—and that old odd word turns up again, as the sixth word of the new paragraph, providing the place where the heel turns, where the body swivels, where stones touch and become an arch.

If he writes next year about the Lapps, and eight months later about chain-saws, and half a year afterward reconstructs a gin rummy game between two blind saw-sharpeners, and a season later gives us a Profile of someone who heats his home with rolled-up theater programs—we will read him with the same pleasure, and the same apparent fascination with his subject, as we read him on grizzlies and helicopters.

FOR HE HAS breathed on my ear, and I will follow him anywhere. I spoke before of facts *resolved*. In this prose resolution is everything, and the world exists in order to become fine sentences. McPhee improvises at the organ in order to end his song. McPhee drips color on his canvas, or he assembles in two dimensions the burghers of Rotterdam, in order that the color *here* shall resolve the color *there*; that *this* shape should repeat *that* shape with a delicious rhyme-and-variation; that the concavity of flat surfaces should exquisitely reflect and deny the convexity of flat surfaces. He dances, pauses, swoops, and leaps, as a long sentence glides from left to right and from left to right again, uncoiling its great skinny body over clauses and phrases, verbs, and nouns in series, punctuated with elegance and restraint, until it finds cloture without visibly losing breath. Then a brief clause steps off ten steps and stops. And now from stage right enter six ballerinas jumping, pausing in air, slipping over the stage for all the world like minnows dressed in gauze.

So I will read McPhee, every chance I get, to refresh myself at the source of prose, at this pure delight in the motions possible to language. But we *might* wish to ask: If John McPhee is pure, what is he pure of? Oh, he's pure (as nearly as one could ask) of bullshit, of narcissism, of special pleading. But he is also, perhaps, nearly pure of ideas; he is pure of commitment. When the Sierra Club archdruid meets the commissioner who builds dams, McPhee takes no sides. Is he only the good journalist revealing objectively what he sees, arranging things so that we can make up our own minds? No. Perhaps that is what he *seems* to be doing, but really—he is writing sentences. His objectivity is aesthetic. Objectivity makes for balanced sentences, for good paragraphs, for neatly resolved essays.

But good sentences and bad sentences deserve their moral adjectives, and aesthetics will not slice off from ethics. If we wish to purify the language of the tribe, we will do so by using language with care, precision, and gusto. When John McPhee refuses to take sides between Ashe and Graebner, or between exploiters and exploited, his overt politics is wishy-washy; the implicit ethics of clear prose, however, speaks more morally than all the right-thinking, wrong-saying editorials in all the journals in all the world. □

A Lonely Rage: The Autobiography of Bobby Seale
By Bobby Seale
Times Books, 238 pp., $10.95

BS!

D. KEITH MANO

This is a contemptible book: about a contemptible human life. Bobby Seale's development got arrested long before his person ever was. *Lonely Rage* will go to prove, what we should have known from day one, that the Black Panther burlesque—far from being some valid expression of ethnic pride —had as much moment as a puerile and stupid tantrum. Bedwetters are no more infantile. Bobby Seale wasted his adulthood and our time playing doctor with himself behind the barn.

In an acknowledgment Seale will refer to his autobiography as "these stories." And that is just what it/they are: true-life fictions. Seale still can't distinguish the real from his preposterous, self-indulgent make-believe: cheap myths that were custom-cut-out to mask his repressed sexuality, violence, and, in particular, his father-fear. Seale is a feckless Rousseau (and Rousseau was feckless enough). For years he went around dolled up as Hanpi, some kind of noble-savaging Sioux warrior. In the USAF he was Robert Crane. Clothes-changing and name-changing are symptomatic of an immature fixation on dream play. His Black Panther tragicomedy was no more than adolescent and egocentric romanticism. But *The Prelude, A Lonely Rage* is not.

YOU MIGHT LAUGH. Yet Seale had caught on: only one thing would make his childish dress-up, his male impersonations, seem relevant: a generous and very well-advertised willingness to kill. Real guns: guns alone could differentiate the Black Panther party from a Kiwanis costume party. Death is ever serious. And a commitment to slaughter does set men, even trivial men, apart from society: it's the ultimate class distinction. After Seale has viciously beaten up one Air Force comrade, he will enjoy this revelation: "I walked off back to my room and stepped in the middle of the floor, heaving breaths of air, feeling a relief, a sort of victory, but with a confused sorrow that told me I was dangerous, a killer." Ignore his fish-story about sorrow: you can smell conquest there. In years to come white children would take up the elegant cause of profanity on campus. Your four-letter word is a shotgun blast: it shreds syntax, our verbal analogue for human civility. Seale went further. He hit on the final lewdness: murder. In no time at all he was transvested from a cut-rate neurotic to a saleable media personality.

Of course quick-set black consciousness rhetoric had to be grouted in. Hard work: even for someone of

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Seale's indomitable opportunism. Remember that BS, who came from middle-class stock, didn't know what the word "ghetto" meant until his mid-twenties. Listen at this Kingfish Stevens rationalization for the conservative dress (costume, again) worn during Seale's mayoral campaign. "What Huey and I've done is try to symbolically relate the ghetto lumpen to the political scene. . . . At the same time, we want everybody to be able to accept a merged revolutionary-political-cultural style. Mixing the extreme lumpen-style dress with the conservative cut and color—a special sharpness!" Asinine, exclamation point. You mean you're surprised that Panther membership went from ten thousand followers "and forty or more branches and chapters to only an Oakland headquarters and a North Carolina chapter"? It never had any but the most cynical regard for black need. It was, as Huey Newton would later admit, "a social accident." And a loathsome power game. Hell, ten thousand people, no matter how public-spirited, can afford to spend just so much time bolstering the questionable virility of one or two men.

And that's what the Black Panther movement was: a constant hand-job for Bobby Seale's stunted manhood. Good God, people, black and white, *died* for that. "Out on bail, all the brothers were black heroes to all the women. A few sisters almost snatched brothers they knew inside and into the bedrooms, loving them. We were put on a pedestal as bad tough black men." There will follow ten pages re that-giant-dose-of-clap-and-how-it-came-about. "I slowly felt my whole long hard penis moving in . . ." etc., etc., snore. A coup: how many men could con the New York Times Company into publishing their masturbation fantasies? Yet—isn't it odd?—nowhere in this hot confessional does Mr. Bad Tough Black Man describe the circumstances surrounding his murder trial. Such quaint selectivity. He got acquitted: we learn that. If Seale was indeed innocent, then why not a clean, factual explanation of the bum rap? Smart legal advice, I suspect, has caused BS to plead chicken on that count.

Much more than your $10.95 worth, though, about prison brutality and the Chicago Seven gagging. At one time, after outrageous provocations, Seale was shut in a cell where raw sewage would bubble up, ankle-high, hour on hour. Unpleasant, that, I have to admit. For the sewage. □

RES PUBLICA

Social Control of the Welfare State
By Morris Janowitz
Elsevier, 170 pp., $10.95

THE NEW PURITANISM

DALE VREE

This book by Morris Janowitz, Professor of Sociology at the University of Chicago, is a macro-sociological attempt to diagnose the current ills of the welfare state in the Western world and especially in the United States. In making his case, Janowitz employs the concept of "social control," by which he means the opposite of coercive control—namely, the *self*-regulative capacity of a society to "pursue a set of higher moral values." It is his basic contention that the contemporary welfare state, by straining this system of "social control," has contributed to the current crisis of political legitimacy, in which the political elites have lost their ability to set public priorities decisively. Janowitz fears that this crisis could produce an authoritarian regime of right-wing, populist character.

What makes his argument intrinsically interesting is that Janowitz is not just one more single-minded libertarian waxing indignant about bureaucracy and the income tax. He is a social democrat, so when he says that "there are limits to the enlargement of the welfare system," and that public expenditures for welfare "hardly require confiscatory tax increases," one is forced to perk up and listen. Janowitz supports this argument by sketching the growth in the supply of welfare services, noting that this increase has not decreased the demand. But now, this unnaturally inflated demand has come up against a decline in the effective economic surplus needed to satisfy it. The result is conflict and dislocation.

Contrary to the old libertarian wisdom that welfare-state Democrats "buy" votes by dispensing goodies from the public treasury, Janowitz points out that welfare transfers and allocations are not "gifts" and hence "do not necessarily generate partisan loyalties. To the contrary, these allocations are more and more considered a matter of law and citizen right." Indeed, the lack of partisan loyalty is one cause of the crisis of political legitimacy. Moreover, as welfare is increasingly diffused upward, throughout the entire social structure, the result is a general, society-wide competition for a slice of this particular pie.

Related to the crisis of legitimacy is the fact that since 1945 "there has been no critical election in the United States that has produced an effective and fairly enduring parliamentary majority," the only exception being the heady days of LBJ's Great Society. This absence of a stable majority political regime reflects the relative inability of our society to regulate itself (i.e., the general decline in "social control"); in its turn, our "unstable political aggregation" has led to a decline of trust in the electoral system, among whose symptoms are disappointing voter turnouts, an increase in the unpredictability of voters, a growing trend toward ticket-splitting, and a rising number of registered independents.

To me, the most revealing pages in this book are those devoted to the citizenry's pursuit of a "raw hedonism" which "becomes difficult to moderate and instead becomes more obsessive." Janowitz makes bold to say that "there is no body of trend data to indicate that higher standards of living have produced a discernible increase in measurable 'happiness.' If anything, the contrary appears to be the case." The social indicators are "the increased per capita consumption of alcohol, tobacco, and drugs. There has also been a documented 'quantitative' increase in sexual behavior." But "for each of these overt pursuits of pleasure there has been an increase in the forms of behavior—deviant and otherwise—that must be labeled as self-destructive."

The trouble is that our American

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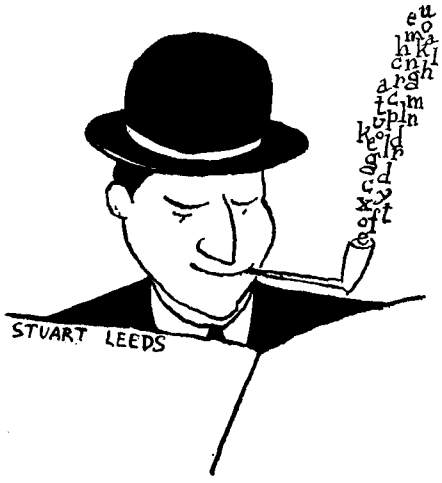
RANDOM NOTES

■ MORE MARCH TITLES: Teddy Kollek, the mayor of Jerusalem, has, with the help of Amos Kollek, written his autobiography, entitled *For Jerusalem* (Random House, $10). . . . *The Critic's Credentials: Essays and Reviews* (Atheneum, $12.95) consists of 39 pieces by the late Stanley Edgar Hyman, edited by his widow. Hyman was a literary critic who practiced something he called "pluralistic criticism." . . . Arthur Koestler has a new book out titled *Janus: A Summing Up* (Random House, $10). Same old stuff about the human race as "a very sick biological product," the neocortex *v.* the hypothalamus, etc.

■ MORE APRIL TITLES: In William F. Buckley Jr.'s novel, *Stained Glass* (Doubleday, $7.95), the peripatetic Blackford Oakes, now in Germany, finds himself called upon to perform an act far more dishonorable than merely seducing the Queen of England. . . . John Murray Cuddihy's *No Offense: Civil Religion and Protestant Taste* (Seabury, $11.95) examines the "taming" of European faiths, Protestant, Catholic, and Jewish, by American pluralism. . . . Eudora Welty's *The Eye of the Story: Selected Essays and Reviews* (Random House, $10) is well worth looking into. . . . As is *Selected Letters of Conrad Aiken* (Yale, $15), edited by Joseph Killorin. . . . Frye Gaillard's *Watermelon Wine: The Spirit of Country Music* (St. Martin's, $10) looks to be a very nice book. You needn't be Joan Mondale or a consultant to the NEA to appreciate this one. . . . Mary Lewis Coakley's *Rated X: The Moral Case against TV* (Arlington House, $9.95) is, disappointingly, the liberal's case against the medium dressed up to suit conservative prejudices. . . . Saxe Commins was certainly one of the more interesting publishing-house editors of the last half-century. His widow, Dorothy, has sifted his correspondence and journals to produce *What Is an Editor? Saxe Commins at Work* (University of Chicago, $10). . . . In *Scott of the Antarctic* (Atheneum, $12.95), Elspeth Huxley has fashioned a strong narrative and a fine portrait of the explorer Robert Falcon Scott.

culture encourages self-indulgence and refuses to establish a structure of limits. So the malaise is cultural—but not only cultural. I would agree with Janowitz (and with Daniel Bell, whose *The Cultural Contradictions of Capitalism* is a masterly treatment of cultural hedonism) that the malaise is also economic. The drive for hedonism is not merely a function of the welfare state, of course, but rests on increased affluence in general: "systematic obsolescence and the social definition of consumption stimulated by mass advertising contribute to the inability of increased material well-being to create, for important segments of the population, personal satisfaction and effective indulgence. This is what is meant by 'consumerism,' the social arrangements under which increased material consumption creates only demands for more indulgence, with resulting personal dissatisfaction." Most readers of NATIONAL REVIEW may not be prepared for the insight that corporate capitalism wars against authentic culture, but I suspect that the libertarians are philosophically on target (though morally deficient) when they insist that you cannot justify a structure of limits in the cultural marketplace without, whether you will or no, justifying such a structure in the economic marketplace as well.

This is not to say that Janowitz has the answers to our cultural anxieties —nor does his fellow social democrat, Bell, although Bell's forthcoming book on religion raises one's expectations and hopes. If it is recognized that the remedy to our cultural ills lies in a greater sense of limits, we may see many conservatives and a surprising number of social democrats agreeing that the only effective, durable, and humane context for a structure of cultural limits is a religious one (where limits are not coercively imposed but relatively freely chosen), and that such limits are so valuable as to justify encouragement by the state. □



America's Housing Challenge
By Roger Starr
Hill and Wang, 130 pp., $8.95

ONE-QUARTER EXPERT

RICHARD BROOKHISER

Roger Starr seems to have been designed to write about housing. A member of the editorial board of the *New York Times*, Starr was head of the New York City Housing and Development Administration, and executive director of the Citizen's Housing and Planning Council before that. Three years ago, he filled a special issue of *The New Leader* with an essay on housing problems. That essay, expanded and updated, is now this book.

Indeed, so impressive are Starr's credentials that one feels suspicious. Expertise has a way of blinkering experts; horizons narrow as knowledge increases, until finally one sees everything through the prism of one's specialty (Walter Shandy, rhinosopher, even claimed that destiny was controlled by the shape of men's noses). Yet Starr seems to have avoided the tics of his trade. He rejects, for example, the notion (dated, but still powerful) that the best way to help the poor is to punish the middle class. "Public-housing sites should be chosen not for revenge, but with respect to the social and utility packages which low-income families need. . . . Smiting the bourgeoisie still appears to the young as a valid expression of egalitarian fervor. Other observers may be less convinced, finding in its indulgence an obstinate strain of oedipal reminiscences."

Equally refreshing is Starr's ability to follow a dollar. Housing cannot simply be spent into existence. The government would be forced either to raise massive new taxes—which is "politically unacceptable"—or to siphon off funds from existing programs, which could not be done without crippling the housing market itself. "If funds for housing were taken from the military budget, say, employment in the supporting defense industries would drop, lowering market demand for all consumer goods, including housing." Once the bugaboos are out of the way, Starr can focus on genuine economic adver-

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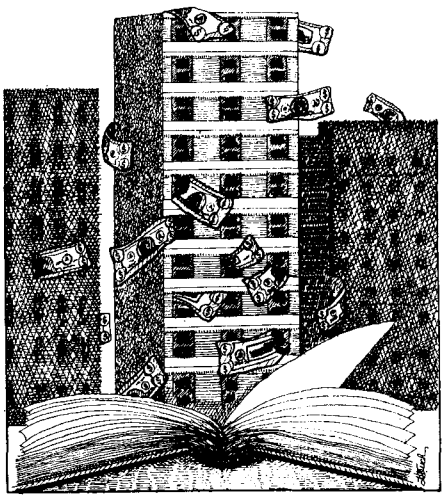
saries—like the Social Security system. For years, mortgage loans were made with the savings of ordinary citizens, deposited in savings and loan associations and mutual savings banks; but since the advent of Social Security and pension funds—"the socialization of retirement"—these dollars have gone elsewhere.

Starr has little sympathy with uncritical railings against "the bureaucracy," whether from conservatives or disillusioned leftists; yet he is hostile to many of its works. A HUD regulation of 1976, for instance, shifted the burden of proof in eviction proceedings in federally sponsored projects from tenant to owner—a shift, Starr argues, which has discouraged owners, and degraded tenants. "Both public and private investors hesitate to commit resources to an increasingly hazardous enterprise . . . [while] the avoidance of the consequence of failure to budget . . . undermines the very spirit of individual responsibility which welfare policy was intended to foster." Eviction for harassment of fellow tenants or for destruction of property is now as difficult as eviction for failure to pay rent. Federal courts now require evidentiary hearings, with testimony from the victims; but the process is a long one, and since the accused and his accusers still live at the same address, the latter are easily intimidated.

MOREOVER, STARR apprehends the pitfalls, not only of particular sets of plans, but of planning itself. With good luck and much effort, a planner can sometimes produce that which would have come about anyway—thus the New Towns of rational, socialist Britain are scarcely distinguishable from the suburbs of scatterbrained, capitalist America. With bad luck, he can generate monstrosities—anachronisms, urban zombies, artificially sustained patterns of living and working whose reasons for being have long since vanished. Large cities themselves may be a dead end. "Social policy that seeks to provide low-rent housing in the major cities . . . must contend with the economic fact that [they] have lost their industrial attractiveness."

For all this, Starr's remedies involve a good deal of planning. Housing authorities should proliferate at the neighborhood, state, and regional levels; and wherever local money is lacking, federal subsidies should provide it. Starr is quite clear about the political consequences: central funding means central control, and he politely disowns that bastard child of conservatism and liberalism known as "revenue sharing." To be sure, Starr hopes planners will give more attention to economics, and less to bleeding-heart moralizing; but that power to plan should rest in their hands, he has no doubt. "The alignment of the varied social purposes which are an inevitable part of a housing program will require a collaboration between federal and local aims and policies which Americans cannot be said to have achieved."

Starr trusts the market, but only so far; however benign its tendencies, it is just not capable—in his opinion—of housing everyone who needs to be housed. Libertarian economists will want to train their batteries on that assumption; and indeed, they will be able to turn to Starr for ammunition. On page 63, he solemnly announces that "there is no technological breakthrough in sight to stop the steady upward curve of construction prices"; yet 61 pages later, he hails the development of cheap two- to four-family dwellings and mobile homes: "The emergence of both of these types of housing without substantial federal assistance indicates the presence of important market forces moving in their direction." So empiricist subverts theorist—which, given the current state of social theory, is welcome. *America's Housing Challenge* offers a handy summation of the wisdom of an expert who has stayed three-quarters empiricist. □



THE MOVIES

THROUGH BABEL TO THE FLOOD

JOHN SIMON

Last time round, apropos of Bergman's latest, I wrote about an artist's right to fail; this time it is Lina Wertmüller's turn to claim that privilege. The first important female fiction film director in Western cinema (there have been some major women directors in Iron Curtain countries; Leni Riefenstahl matters only as a documentarist), Miss Wertmüller has made four films on which a reputation can rest as firmly as any table on four well-measured legs. *The Seduction of Mimi* (the American titles are poorer, albeit shorter, than the Italian ones), *Love and Anarchy*, *Swept Away*, and *Seven Beauties* constitute a corpus that only the most rabid and purblind feminist or the most lily-white purist could find without merit, and that I consider satisfying on both the cerebral and the gut level.

In fact, this is Wertmüller's particular strength: a combination of shrewdly perceptive intelligence (not necessarily intellectuality, but what of that?) and an uncanny sense of how the human animal behaves both in its rare, exalted moments and in its numerous absurd and farcical ones. What may bother some viewers of Wertmüller's films is her odd attitude toward people. Though she is fond of them, she also laughs at them relentlessly; though, save the few she admires, she kicks them in their behinds, the kicks are delivered with jovial laughter. Truly, if kicks in the pants can be affectionate, these are.

Another problem for Wertmüller, especially in Italy, is that she is a socialist-anarchist rather than a Marxist, Catholic, Zen Buddhist, or whatever the currently accepted orthodoxies and fashionable heresies may be. She believes in creative disorder: a state of absolute freedom in which long periods of hard work alternate with generous spurts of intense play. Clearly, this is a platform suited more to a person of genius (or at least considerable talent) and a self-employed artist than to the average mortal with a typical middle-

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class job. Wertmüller's philosophy—perhaps no more than inspired self-indulgence, but just as appealing by any name—is a kind of elitism for everybody who wants it, a democratized aristocracy. It is, most likely, an impossibility, but only a trifle more so than most political systems and ideologies, and immeasurably more attractive.

That Wertmüller's new film, *The End of the World in Our Usual Bed in a Night Full of Rain*, is an almost total failure should, on reflection, not be surprising. This is the story of the courtship and marriage of a young American woman photographer and an Italian journalist—she a bourgeoise turned feminist, he a Communist ensconced in his aunt's lavish apartment—which has to carry several bone-crushing burdens.

First, it was filmed (partly in San Francisco) in English, a language that the writer-director at that time knew but very imperfectly. Rudimentary, too, was her knowledge of America. Though the film is adequately Englished, it has clearly been thought and felt in Italian, and thinking and feeling are much harder to translate than words. The result is a certain crude oversimplification of plot and character—to say nothing of dialogue—that is very different from Wertmüller's usual healthy vulgarity studded with flashes of poetry.

SECONDLY, for the first time in her film-making career, the director was creating something intended to be serious drama; yet her background in comedy obtruded comic timing, comic situations, vaguely comic turns of phrase on what was meant to express a sad reality: the realization that love grows tyrannical and onerous; that sex turns mechanical; that spouses become each other's jailers and victims, with the captive as much a tormentor as the turnkey. The Fellinian verbal and visual language proved simply inadequate to the Bergmanian theme—as happened to Fellini himself in a film like *Juliet of the Spirits*, which *A Night Full of Rain* resembles in spirit, if not in the letter.

Furthermore, the project was too ambitious. The husband and wife are distinctly meant to assume symbolic dimensions. He is the Old World, she the New; their inability to thrive with each other brings about that preternatural rain that keeps raining throughout, until it becomes another Noah's Flood, from which no ark may sail forth. The couple is surrounded, moreover, not by identifiable secondary characters, but by a quasi-Greek chorus of friends—some charming, some grotesque—who comment on the principals' values, behavior, situation. This is probably no longer practicable even on stage; on screen, where this chorus pops up perched on interior balconies, reflected in mirrors, and in other unlikely places, the effect is particularly obtrusive, offensive, and essentially anti-cinematic. No wonder that, trying to do so much, the film first appeared in a four-and-a-half-hour version that was gradually whittled down to under two hours, at the cost of its rather tenuous continuity. Since Wertmüller refused to relinquish some of her beloved scenes entirely, we get shots of the hero's father suffering a heart attack or the hero seeking advice from a prominent Communist mentor that are so foreshortened as to be incomprehensible to anyone lacking privileged information.

Finally, there is the problem of the actors' speech. Except for Candice Bergen, who under Wertmüller's despotically demanding direction gives the best performance of her career (which still isn't saying very much), and for one or two Americans in minor roles, we have here Italians whose English sounds at best like what is misguidedly dubbed into Italian comedies in the so-called "English-language versions"; at worst, impenetrable. Thus Giancarlo Giannini, that delightful actor, suffers as much from his English as from an unfortunate scraggly beard that reinforces his status as the comic Italian. The film proves that a Babel of accents can be as bad as one of tongues.

Even some of Wertmüller's virtues work against this film. The director is fond of casting her friends in small parts, and of including texts by writers she knows and admires. Here some of her cronies let her down histrionically—for example, Lucio Amelio, who was wonderful as the lawyer in *Seven Beauties* but is topheavy and incomprehensible now as one of the more vocal chorus members. Similarly, a text by the writer Guido Ceronetti, put into the mouth of another writer, Paola Ojetti (who plays the aunt unconvincingly), though much cut from the film's original version, still sticks out like a sixth finger, which I take to be worse than a sore thumb. And the score by Roberto de Simone, a new Wertmüller discovery, is disappointing—even more so when it drags in Pergolesi to overpower the rest.

Another hurtful virtue here is that visual excellence Wertmüller's films consistently display. The splendid cinematography of Giuseppe Rotunno; the impressive locations (in particular, the austerely beautiful medieval abbey at Padula, although Wertmüller can coax some extraordinary shots even from the by now vastly overphotographed city of San Francisco); and the superb interiors designed by Enrico Job, the director's husband: all these merely dwarf what goes on in front of them, making it appear even more strident and trivial.

Does this leave anything of value? Well, the first encounter of the future spouses at a religious procession in Padula has a few good moments; a scene in a San Francisco night spot in which Giannini jealously watches Bergen torment him as she clingingly dances with another man is effective, although it was even more so before it was pared down in the final cut. Such rare good moments can, like the visual riches, contribute only sadness about what might have been—and what may again be in this gifted and undauntable woman's next picture. □

TELEVISION

YOU WEREN'T THERE

M. J. SOBRAN JR.

As TV genres go, the "docudrama" is fishy and often foul. Its dubious nature has been much discussed, but the networks continue producing specimens of it anyway. That means there is a certain demand for them, and anything people want is likely to have some intrinsic merit, so it is unwise to be too censorious. On one level the docudrama

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may seem to resemble historical novels and chronicle plays (*Henry V*, say), but there is an essential difference: plays are obviously stylized, and novels are obviously supposititious. Television, on the other hand, purports to re-create literally, down to physical details. Much of its excitement arises from its power of propelling the viewer to "where the action is," or seeming to do so. That is what gives television its oracular authority. It is the authority of apparently authentic sensation. And it is likely to be abused when it tries to cast backward, taking us into a synthetic past.

The electronic age, with its command of information, offers us a sort of ersatz omniscience, and the attraction of television has as much to do with this as with entertainment. TV has always been rich in documentary (*Victory at Sea*, *The Twentieth Century*), and in the Fifties CBS even offered a progenitor of the docudrama, *You Are There*, whose title makes my point. I remember the episode on Socrates and the hemlock, in which the camera panned around the room, settling on the faces of Crito and Phaedo, as the voice of Walter Cronkite addressed them by turn; they stared lachrymosely at the camera and muttered timeless Hellenic homilies about Unpopular Ideas. (These were what that old Hellenist I. F. Stone called "the Haunted Fifties.") It was harmless, because the hokey anachronisms were obvious.

In a docudrama like *King*, however, it isn't clear where docu ends and drama begins. The writer-producer, Abby Mann, forthrightly acknowledged that a lot of it was invented, even, now and then, at the expense of the facts: one scene—a good one—showed Martin Luther King debating philosophy and strategy with Malcolm X, a full year after the real Malcolm was murdered. Less innocently, the film heavily suggested that Hoover was behind King's murder—personal slander against the dead having replaced in our time the modish Sixties talk about how our whole sick society was somehow guilty. Every fact we have about Hoover's relation to King reveals him as contemptible, but that is a different thing from saying he was homicidal. Mann can say this, however, while remaining highly indignant about Hoover's own smear tactics.

Anyway, *King* flopped in the ratings, not because people turned it off but because they didn't turn it on—despite good advance reviews and lots of publicity. This surprised everyone, including me, though it probably shouldn't have. Most people aren't galvanized by the prospect of another liberal sermon on America's sins, however eloquent and lofty; and that is what *King* turned out to be. Paul Winfield was a marvelous King, boldly charging into his man's grandiloquence and making it as moving as it must have been to those poor Southern black congregations to whom it offered the elementary human dignity they had been denied. And Ossie Davis as King's father was grand even in his crankiness—less King Senior than King Lear. He is magnificence itself.

UNFORTUNATELY, the white characters —Hoover, the Kennedys, Lyndon Johnson, Richard Daley, Bull Connor—were all villains, ciphers, hypocrites, timeservers, and men of little faith. The nameless whites were uniformly bigoted. It is tedious to say that the story was really a bit more complicated than that, but apparently it must be said again. After all, the civil rights movement, even granting that it was all it purported to be, demanded difficult adjustments in people's lives. Mann, like King himself, assumes that everybody, deep in his heart, *agreed* with King, and that the only problem was one of forcing people to face their consciences. By the same token, it is disingenuous to present King as a saint. He was, after all, not only an adulterer but a libertine who took his own marriage vows lightly. If we are going to have hagiography or even such an intimate portrait as *King* professes to be, that fact must be confronted. What was missing was not a scene between King and the girls, or even between King and his wife, but a scene between King and his conscience.

By the third and final night the tendentious moralism became so oppressive that I found myself laughing at a horrible scene. Two black Memphis garbage collectors, denied shelter from the rain in the white boss's office, climbed into the back of a garbage truck and got crunched to death. If that really happened, it was of course no joke. But by that point it seemed, dramatically, like Mann's own *diabolus ex machina*, another pointed lesson—after all the police dogs, shootings, fire hoses, and assorted assaults and insults —on the consequences of racism: prejudice, you see, results in people being ground up in machines. Even the You Are There effect couldn't make that one plausible.

A more modest and therefore more persuasive dramatization (I don't know whether it counts as a docudrama) was CBS' *The Defection of Simas Kudirka*. Kudirka was the Lithuanian sailor who jumped to an American ship in American waters, only to be turned over to the Russian ship he had, he thought, escaped from. There was no lecturing on the abstract merits of free as against Communist societies; on the contrary, the nature of Communism was apparent enough even in the details of an ordinary man's existence, while the health of a free society was disturbingly called in question by its eagerness to placate its—and Kudirka's—enemies. Kudirka finally got his freedom after all, on a fluke: his mother had been born in America, and he was entitled to American citizenship. Our officials made such amends as they could. I wonder why the fate of people less brave and less lucky than Kudirka is so uninteresting to those who style themselves the custodians and spokesmen of our national conscience. □

ART

A PAIR OF OPPOSITES

RUTH BERENSON

It's rather unnerving to visit, within the course of a single week, exhibitions devoted to Willem de Kooning, one of the giants of Abstract Expressionism (at the Guggenheim Museum), and Sol LeWitt, high priest of Conceptualism (at the Museum of Modern Art; it will travel to Montreal, Champaign, Ill., and La Jolla, Calif.). Neither artist can be considered representative of the avant garde—if there is such a thing today, a question that can be endlessly debated—for Abstract Expressionism was relegated to history more than twenty years ago (though many of its representatives, like Robert Motherwell, Helen Frankenthaler, and, of

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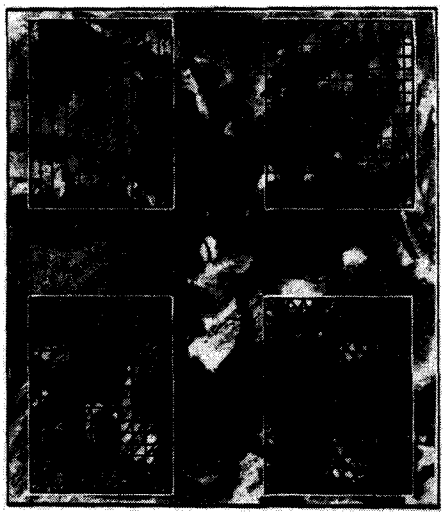
course, de Kooning himself, are still active); while Conceptualism, sometimes defined as the attempt to divorce art from the traditions surrounding it, is being pushed aside by the "back to real painting" movement that reportedly is exciting the under-thirty generation. Still, the two shows are a fascinating contrast.

In a way, Abstract Expressionism and Conceptualism, as personified by de Kooning and LeWitt, represent the two extremes between which art has been oscillating for the last two hundred years—namely, Romanticism and Classicism. De Kooning is all raw, subjective emotion, every stroke of his brush or palette-knife expressive of his inner obsessions, while LeWitt is all theory and calculation, his personality so detached from the final work that once he has figured out the geometry, plane or solid, of a particular piece, he can rely on a corps of assistants to execute it. What he sells are the specifications; anyone can carry them out.

Rather than presenting an overview of de Kooning's long career (he is now 73 and has been exhibiting since the mid-1940s), the Guggenheim focuses on what he has been doing since his 1963 move to East Hampton, that bucolic Long Island village whose population seems to consist largely of artists self-exiled from Manhattan. It is subtly hinted that these 84 paintings, sculptures, and drawings represent a late blooming, like that of Titian or Rembrandt in their eighties; and it does seem as if the savage iconoclasm of de Kooning's earlier work—those wild-eyed disemboweled women of the late Fifties, for instance—had been tamed. In these new pastoral canvases, ice-cream colors predominate—pistachio, strawberry, vanilla, blueberry—along with brilliant yellows that distill the sunlight which bathes his glass-walled studio. Most of the paintings are resolutely abstract, their chief attraction being the sensuous handling of the pigment, the speed and excitement with which it is laid on, the varied tactile effects of the pictures' surfaces.

But this new, gentler mood, of LeWitt's, alas, makes one all the more aware of the absence of that internal structure which one senses in Jackson Pollock, for instance. Everything here is surface—and it is not enough. The same is true of the bronzes—all are



figurative; some are small, some near-lifesize—which are the show's chief novelty. There are heads, and male and female nudes, all pounded and pummeled out of the clay with a kind of childish intensity and that attention to texture rather than form which, with a few exceptions, is so typical of painters who turn to sculpture. To demand discipline of an artist who has staked his whole career on the primacy of his personal unconscious is rather like insisting that the Sphinx stop speaking in riddles. Still, it doesn't look as if Rembrandt or Titian will have to move over for the late work of de Kooning.

Sol LeWitt's search for the building blocks of form, the "essentials" of art, goes back to eighteenth century theoreticians like Johann Joachim Winckelmann, who thought they had found them in the art of the ancient Greeks; it has been a prime preoccupation of twentieth century artists like the Cubists, the Suprematists, the Constructivists, the American Synchromists (who are currently to be seen *in extenso* at the Whitney Museum), and, most recently, the Minimalists, who reduce art to stripes, grids, and squares hardly distinguishable from bathroom tiling. LeWitt goes even further, abolishing as irrelevant the distinctions between painting, drawing, sculpture, and architecture, though his results—skeletonized boxes combined in various ways; paintings and drawings consisting of penciled horizontal, vertical, and diagonal lines—are no less rigorously ordered and repetitive. To all but those who are most determined not to let a wave of the future pass them by, they have seemed not only a *reductio ad absurdum* but, what is worse, a bore.

In the mid-Seventies, it would appear, LeWitt himself began to get bored, for after ringing all possible changes on themes like "Lines from Four Corners to Points on a Grid" and "Arcs from Four Corners and Four Sides," he hit on a way consonant with his theories to introduce elements of chance, and even individual talent: he began using rough walls that made straight lines crooked, and, more significantly, he added to his "straight line" and "broken line" repertoire the "not straight line," "broken and unbroken," which he encouraged his assistants to manipulate as they wished. The catalogue solemnly notes that "the results differed when the same drawing was done by another person even though the plan was followed." Think of it!

In "Lines Not Long, Not Straight, Not Touching, Crossing and Touching," a colored wall drawing of 1975, the viewer can discern something of the labyrinthine density of Jackson Pollock; but LeWitt would surely deny that here or in the spidery drawings on red, blue, yellow, and black walls he is harking back to some of those ancient assumptions—that wall painting should be decorative, for instance, or that individual craftsmanship and talent matter—that he has so resolutely repudiated. The visitor, however, can hardly escape this conclusion. Perhaps even LeWitt—unconsciously, of course—senses that, pursued to their logical conclusion, his theories add up to zero. □

DELECTATIONS

CUISINE MINCEUR

NIKA HAZELTON

I have just experienced two new treats: *cuisine minceur*, as cooked by its inventor, chef Michel Guérard, and Régine's New York establishment, where Guérard recently spent a week in the kitchen. Régine's is a restaurant-discotheque gorgeously done up in silvery, shimmery Art Deco; stunning, extremely high-fashion girls flit around

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like exotic butterflies. *Cuisine minceur* is the new kind of French cooking that has stirred up such a commotion, here as in France; it means slimming cookery, as practiced in M. Guérard's spa at Eugénie-les-Bains in southwest France, which, from what I hear, is an enchanting place where taking it off is a pleasure, not a sorrow.

What *cuisine minceur* boils down to is a removal of calories by using little or none of those sacred cows of *haute cuisine*—butter, cream, eggs, sugar, and flour—which make it so rich, albeit often so good. Within the last few years, it has occurred even to the great chefs of France that too much is too much. Thus the less elaborate *nouvelle cuisine* came into being, and is now practiced in most of the famous restaurants of France: simpler meals, less rich, lighter. Then came Michel Guérard, born in 1933, and undoubtedly the most creative and innovative chef of his generation.

In 1965 he became tired of the classic *haute cuisine*, which he had worked with at Establishment places such as the Hôtel Crillon. He opened his own restaurant, the Pot au Feu, in the outskirts of Paris and began to practice his own interpretation of *nouvelle cuisine*, which he called *cuisine gourmande*; he and it immediately became famous. Then, if I remember rightly, he married the woman whose father owned the spa and transferred his restaurant there. This operation, of course, entailed an even lighter style of cooking, and *cuisine minceur* was born. He has now written a book, *Michel Guérard's Cuisine Minceur* (Morrow, $12.95), which is an excellent summary of the basic rationale of *cuisine minceur*, the basic techniques, and many refinements. I recommend it highly to all who like to cook; the recipes are realistically annotated for use with American ingredients.

Cuisine minceur dishes rely on flavor and texture contrasts of foods that are treated very simply, cooked in their own juices, which then are turned into light, evanescent sauces with a little wine, and at times the barest amounts of butter or cream. At Régine's, Guérard prepared a very light little puff paste case filled with a few little scallops cooked in a light sauce and trimmed with slivered Belgian endives. There was a lukewarm salad of a little bed of thin noodles with a lemony dressing, topped with a few broccoli flowers, four wafer-thin slices of *foie gras*, and black truffles. The meat course consisted of small pieces of chicken wings and cucumber cooked in white wine (Meursault). Every course was served ravishingly, looking like the exquisite food arrangements of the Japanese.

The presentation is a very important part of Guérard's cooking; his food is very beautiful indeed, appetizingly elegant and yet totally natural looking—it has none of that gunked-up appearance of so much French food. The pictures in his book, too, are breathtakingly beautiful—and I've never said that before of anybody's food. However, I suspect that here is where some difficulties might arise in serving *cuisine minceur* at home: this food cannot just be plonked down into a dish like, for example, most Italian food, because the portions are small and the components of the dish must be carefully displayed. Obviously, Guérard has considerable artistic talents which most of us don't have; but one can learn, can't one?

I HAD THE PLEASURE of meeting M. Guérard, who, unlike several great French chefs I could name, is a charming, modest, and very interesting man. Since he has given courses in California, I asked him about the difference between French and American cooking students. He prefers Americans because of the intelligent and knowing questions they ask. The French ask about tastes, whereas Americans ask about the techniques that will produce those tastes. He also deflated the myth that every French housewife is a great cook, which so many ill-advised American men offer to their women as an incentive: half of them are terrible cooks, Guérard thinks. I wondered how much of *cuisine minceur* had trickled down to French home cooks. On the whole, not much: it seems the French do not like changing their ways, giving up their rich, large portions—but then, I agreed with Guérard, how many Americans are eager to change *their* culinary habits?

Nouvelle cuisine has often been compared to Chinese cooking; Guérard went to China recently with three other French chefs, and found the food a revelation of finesse in contrasting flavors and textures. The Frenchmen were feted with exquisite banquets of, often, as many as 25 dishes, which he said were just plain wonderful. We agreed on something I have seldom been brave enough to say: that there is basically only one style of Chinese cooking. Szechuan and Hunan cooking, for example, are much hotter than Mandarin or Cantonese, but that difference is just a variation on a common theme. In this country, of course, Chinese cooking tends to taste even more alike than it actually is because of the indiscriminate use of monosodium glutamate: in China, MSG is used sparingly and cunningly.

One has to take risks to train tastes, the maestro says, and that is what he has made it his business to do. He has a true gift for explanation, and he considers that understanding the reasons why things do or don't work is the basis of all good cooking; in his new book, *La Cuisine Gourmande* (to be published here in English next year), he offers tips for substitutions and other practical details based on such understanding. The book, he said, will include some fattening recipes, but nothing like what one usually thinks of as fattening French recipes.

Meanwhile, forget about the books on *cuisine minceur* perpetrated by some American bandwagon-climbers. Why go in for poor imitations when the real thing costs only $12.95 and is a joy forever? □

BOOKS IN BRIEF

FAREWELL ISRAEL! *by Ephraim Sevela (Gateway Editions, 295 pp., $12.95).* Disillusionment is the harsh price one pays for maturity. So it has been for Sevela, one of 24 Russian Jews who staged a protest against the Kremlin's restrictive emigration policies in 1971. Expecting the worst, the demonstrators were stunned by the Soviet decision to allow an exodus to Israel. Miraculously, victory was theirs—or so they thought. Euphoria soon turned to despair, as they discovered the Jewish homeland to be a bitter disappointment. This collective despair fuels Sevela's polemic, which asserts that, the dynamic image notwithstanding, Israel is a land of indolent wastefulness, discrimination, and insufferable arrogance. He finds it particularly ironic that the vow to return to Jeru-

(Continues on page 423)

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Dark Horses

M. STANTON EVANS

SEVERAL MONTHS AGO (*NR*, April 15, 1977), I paid my respects to *Panic in the Pantry*, a marvelous refutation of the back-to-nature, additives-cause-cancer fad that has dominated recent thinking on nutrition.

Now Dr. Elizabeth Whelan, co-author of that excellent volume, has written another on a related topic: a handbook called *Preventing Cancer* (W. W. Norton, $9.95), which turns out to be extremely useful not only because it offers specific words of caution on the cancer problem, but also because it puts this dreadful subject into rational perspective, separating fact from lurid fancy.

Dr. Whelan, who is associated with the Harvard School of Public Health, points out that much of what is believed of cancer today is flatly wrong: incurring the disease is not a matter of blind fate; the risks of getting it can be reduced by adopting proper safeguards. We are not undergoing a "cancer epidemic," as the TV sages would have us believe, nor is America "Number One in cancer." The problem is serious enough, she says, without frightening people so badly that they can no longer think straight.

Distinguishing hypothetical risks from real ones, the author debunks the notion that pesticides, food additives, and circumambient air pollutants are responsible for cancer. She notes that there is virtually no evidence that any of these things is carcinogenic to man, and comes down hard on the official paranoia that would banish saccharin and other substances on remote suspicions of cancerous effect. The actual cancer culprits, she contends, are cigarette smoking and diets heavy on cholesterol and saturated fats—which between them, on her estimate, account for up to 70 per cent of U.S. cancer deaths.

One possible source of cancer that doesn't get discussed as such is marijuana. Just how culpable the weed might be in this respect and others is considered by Dr. George K. Russell, associate professor of biology at Adelphi University, in *Marijuana Today* (The Myrin Institute, 521 Park Avenue, New York, N.Y. 10021; $1). In a digest of recent scientific research, Russell notes that marijuana produces impairment of mental function, possible brain damage, potential injury to chromosomes, inhibition of cell division, and serious respiratory problems.

On the last count, Russell cites the work of Dr. Forrest Tennant of the U.S. Army, who found that heavy cannabis smoking among servicemen caused respiratory problems much more rapidly than did cigarette smoking and that the resulting lesions on the lungs were cancerous in nature. Similar results were achieved by Dr. Cecile Leuchtenberger of the Swiss Institute for Experimental Cancer Research in experiments with mice. One wonders, on these findings, why consumerists aren't clamoring loudly against the use of pot.

IF YOU WANT to ban marijuana, of course, you have to prove conclusively that it isn't safe. But if you want to ban a beneficial substance, your task is appreciably easier, since the burden of proof is reversed. The proponents have to prove it *is* safe, and effectively beneficial in the bargain, or else it can't be marketed. The costs of this procedure are weighed by Professor Henry Grabowski of Duke University in *Drug Regulation and Innovation* (American Enterprise Institute, 1150 17th Street, N.W., Washington, D.C. 20036; $3).

Grabowski reviews existing studies of the "drug lag" in the United States and shows that, by comparison with our previous history and the performance of other nations, we have recently experienced a serious decline in the level of drug innovation. Weighing all the potential factors, he concludes that the problem stems from adoption of the Kefauver-Harris "efficacy" amendments in 1962, which vastly increased the time and expense involved in clearing new drugs for the market. □

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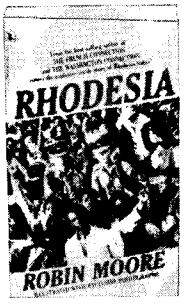

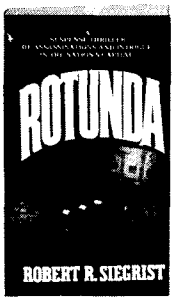

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Solution to Last Issue's Trans-O-Gram

M[ark] SULLIVAN:

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BRIEFS

(Continued from page 420)

salem, so long a Jewish inspiration, should now become the bane of their existence. Nationhood has brought the wandering Jew to the precipice. Beset by internal strife, Israel is surrounded by millions of people who seek her annihilation. The author doubts the continued ascendancy of her military, and somberly reminds those of Israel's supporters who romanticize her that the Jews can only bleed so much. "You cannot see the military cemeteries from the gleaming windows of the luxury hotels, from the pale blue waters of the swimming pools where the tourists cool their bodies from the heat of the day. Behind the barrier of fresh tropical vegetation, the sighs of widows and the tap of the young invalids' crutches cannot be heard." Ominous words, from one who lives within the dragon's maw.

ALAN L. MILLER

RAMBLES IN IRELAND *and a County-by-County Guide for Discriminating Travelers, by Monie Begley (Devin-Adair, 374 pp., $15).* Perhaps no other small country has intrigued so many writers as Ireland. Of course, their books cannot all be unique, but on occasion someone really scores a bull's-eye. Monie Begley is a case in point: her *Rambles in Ireland* is genuinely different. Part One, "Views and Overviews," comprises a series of absorbing, informative conversations with well-known Irish artists, writers, actors, playwrights, and others. Part Two, "Along the Roads," a detailed guide to unusual hotels, country houses, restaurants, and varied diversions across the island, is a real bonus for tourists. Miss Begley is not minded to belabor current political issues. Thus there is but one brief chapter on the North: poet Seamus Heaney's gentle musings on life "in an atmosphere full of silent awarenesses of the division." Playwright Marc Connelly remarks aptly of the book that it "gives a nearly encyclopedic account of the manners, morals, and vicissitudes of Irish life." Lest that term "encyclopedic" suggest an image of dullness such as to deter potential readers, I would only add that it is also a thoroughly charming account which truly captures the flavor of the land that is its subject.

MICHAEL F. CONNORS

VARNADO

(Continued from page 394)

easy-going, like all Catalonians, and we enjoyed ourselves very much. One of them had a brother in Des Moines.

✝ ONE NIGHT a new nurse came on duty. Her name was Catherine Bulky and she was English. I knew her slightly and was in love with her. She brought me a present from Rinaldo, a lump of anthracite coal—gift-wrapped!

"Where shall I put this lovely bit of coal?" she asked. "You're English aren't you? I could tell from your accent."

"Put it on the shelf. No, I'm American. My accent is distorted by the chattering of my teeth."

"How about here beside the copy of Pushkin? Will you promise to love me always? We will have a strange life."

"Yes. That looks lovely. Why do you say such a thing?"

"I'm glad you like it. Because of the War. It changes everything. There is talk of rationing. The politicians have all the fossil fuels."

"I like it a lot. One does not trust politicians. I do not believe there *is* an energy shortage."

"I'm glad you like it. Sometimes I myself wonder. By the way, who is speaking now?"

"I'm not sure. The speakers are not identified. It is confusing."

That night we went together to the little *smistemento* (McDonald's) and drank *grappa* and ate margarine and burned the lump of anthracite. When it was an ember, we burned the *grappa.* At last, we burned the *manager.* In the hills behind the village you could hear the ambulance crews picking up those taken with *flu, grippe,* runny noses, and *pneumonia.* Afterward, we roasted chestnuts and cursed the politicians and spoke briefly of thermal underwear. I wondered if Miss Bulky wore thermal underwear. It was a fine, well-lighted place, and I felt very good. At last two filling station attendants from Portchester came to our table. They were quite pleasant, like all Portcastrians, and we had a fine time. One of them had a brother in Des Moines. □

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WM. F. BUCKLEY JR.

Oh, Say, Can You See?

On The Right

Gstaad, Mar. 10—Six weeks in Europe, where necessarily much of the talk is about the declining dollar, suggests the reputation of President Carter is declining *pari passu*. The dollar's slippage has gone beyond those little lubricating adjustments envisioned by the free-floaters. This is not to say that the central banks should suddenly reverse their policy and attempt to peg the dollar. It is to say that something is very wrong. And that President Carter, as chief spokesman for the United States, can hardly be said to have diagnosed it.

What one hears about Mr. Carter from anonymous men of affairs, in business, in diplomacy, in letters, was said rather straightforwardly by no less than the Shah of Iran, himself a friend of Mr. Carter, although whether he is also an admirer is another question. The interview was with Jonathan Randal of the *Washington Post*, and the Shah was going on about submarines he had ordered from European countries, and frigates, and this and that, when apropos of a question about the U.S. policy toward the Horn of Africa, which policy was only describable by Art Buchwald or Rube Goldberg, the Shah made "a series of pessimistic remarks about the U.S. world role since what he called the 'trauma of Vietnam and Watergate.'"

"You have no policy anywhere," said the Shah, quite accurately. "You only react when something happens. The other side is planning something for fifty years [from now]. If the West wants to die slowly, that is your business. . . . There is no such thing as a Fortress America."

This is the publicly uttered opinion of a man whose kingdom abuts Soviet territory, and who has spent many hours in the company of President Carter in recent weeks. What clearly he would like to see is a certain assertiveness by the United States. What form might it take?

1. Subject to a plebiscite, an immediate recognition of the new government of Rhodesia, followed by a termination of sanctions and easy credit on sales for defensive purposes.

2. The promulgation of a Manhattan-Project–Moon-Landing-scale enterprise designed to tap the commercial energy potential of the atom. The participation of the top nuclear scientists in the world should be solicited, and the information developed should be released instantly to every country upon a convincing showing that that country would follow stipulated safety precautions.

3. Instant deregulation of oil and gas sales in America combined with a discriminatory tariff against OPEC oil, based on estimates as to the extent of the gouge by each country (a higher tariff, in other words, on $12 oil that costs 18 cents to bring up from the ground than on $12 oil that costs $5 to bring up).

4. A five-year business tax immunity—Puerto Rico-style—for U.S. companies that invest abroad in those countries that permit the repatriation of profits.

5. The suspension of SALT talks and all economic exchange and credits with the Soviet Union until all foreign military personnel have been withdrawn from Africa. Meanwhile, the rescheduling of the B-1 bomber, the development of the new cruise missile with increased range, and the production of the neutron bomb.

Now, not even the Shah of Iran would welcome all these developments. But he would understand them, and certainly, so to speak, the United States would be reborn; the dollar would get up off the floor, swagger over to the bar, and buy a round of drinks for the visiting Swiss, German, Jap, and Dutchman. And in Geneva, undressing to go to bed after a tumultuous day at the UN, the paunchy French ambassador would ask his wife absent-mindedly could she remember exactly how it went, the song they used to sing . . . the one that begins with the words, "Oh, zay, cahn yoo zee? . . ." It had been so many years since he had thought of it, or paid it any attention. □

THIRTY YEARS LATER

Prague, Mar. 1—I don't know how to read Bulgarian, or for that matter Czech, so it isn't absolutely safe to say that the Czechoslovak press is the worst in the world, but I am prepared to accept the representations of those who say it is that, based on English translations of a couple of days' harvest. February 25 is the anniversary of the Czechoslovakian coup of 1948, the critical postwar diplomatic event that engulfed us in the cold war, the origins of which the Czechoslovakians, dancing as always to the tune of their puppet-masters, are celebrating.

"On the occasion of the celebration of the thirtieth anniversary of the Czechoslovak working people's victory, Czechoslovak and red flags will fly on state and public buildings throughout Czechoslovakia. In Prague the instructions issued by the Prague National Committee will be observed. Citizens are likewise recommended to decorate their houses."

And citizens do exactly that, because citizens are accustomed to doing what they are told, whether directly by neighborhood representatives of the committee, or by the press giving the decisions of the Presidium. So it is that one of the most beautiful cities in the world is festooned with the two flags, the Czechoslovak, and another of solid scarlet. And then the major buildings, triumphs of Gothic, Renaissance, and Baroque architecture, add to the national gaiety by reproducing —in twenty-yard-long red cloth streamers —professions, infinitely conjugated, of the love of Czechoslovakia for the Soviet Union, for socialism, for the Communist Party, and, one would infer, for life in a totalitarian society, because that is what Czechoslovakia is.

THERE HAS always been an inclination of sorts in the United States to assume that life in Czechoslovakia is *bound* to differ qualitatively from life in other of the satellite states. Because Czechoslovakia's long, cosmopolitan history, its bitter wars against papal fanatics, Habsburg oppressors, Polish, German, Swedish, Italian, Mongol marauders, are the crucible of a people who value liberty. It is true that it was in Prague ten years ago that the most stirring effort came to liberalize the conditions of life, to give socialism a "human face," but the fact of the matter is that Dubcek's Prague Spring withered, and from all accounts the modern Czechoslovakian is comparable to his ancestors three hundred years after the Hussite wars when, as a historian writes, "The enthusiasm of the peasant masses, now reduced to serfdom and consequently death to any sentiment beyond that of their misery and social hatred," brought on the general listlessness.

True, in Prague there is the institution known as Charter 77, and from time to

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time one hears news of the activities of its members, most of whom stress the orthodoxy of their Marxist convictions. But on the whole they are an inconspicuous and dispirited lot. The foreign press does not pay them much heed, and unlike the Russian dissenters they do not seek out visiting journalists, being reluctant to convey the impression that they are hostile to the fatherland. Rather, they stress reform, in the Dubcek tradition. Reform, of course, is precisely what the Russians would not tolerate, making it absolutely clear, using tanks to cross their t's and dot their i's, in August of 1968. Aleksandr Dubcek, former prime minister, is now a forestry attendant in Bratislava. He is lucky. In earlier years he would have been ashes, used perhaps (true story) to pour under the tires of an official car stuck in the snow and seeking traction on its way out of the prison where a dozen officials fallen from grace had been hanged and cremated.

Besides, it is difficult to circulate any news in Czechoslovakia. The state has one of those model constitutions, as so many of the satellite countries do, with the same catch-all clause, namely that it is a crime to "harm the interests of the state abroad." Since the telling of the truth about Czechoslovakia results in exactly that, the communication of the truth is done usually by the venerable instrument of the *samizdat*, the communication copied out by hand or on the typewriter, using as many carbons as possible. For some reason, no one has got around to threatening to prohibit the *samizdat*. For the Czechoslovakian bureaucracy responds exactly as one might expect: carbon paper is becoming scarcer and scarcer in Prague.

Apart from the *samizdat*, there is Radio Free Europe, which broadcasts 12 hours per day. But in Prague it is jammed, and reception is precarious. In the countryside it is heard, and at times of great crisis the news seeps in to the city. German is a second language of Czechoslovakia, and German radio is listened to. But no broadcast from any Western country is likely to participate in the macabre celebration, for which Prague is now bedecked in red, of the eerie anniversary of the day when Beneš—after the arrest of prominent social democrats, the repression of student dissenters, the closing down of newspapers—capitulated, and accepted the all-Communist cabinet of Klement Gottwald. Two weeks later the glamorous foreign minister Jan Masaryk was pushed from the window of his office. They still have the grace to call it suicide, because in Czechoslovakia, as in Russia, they obstinately invoke Western standards, ethical, political, and terminological, so that rather than sound like Genghis Khan they imitate his ways, while using the vocabulary of John Stuart Mill. □

CORRUPTION IN PRAGUE

Prague, Mar. 3—A resident of Prague who has lived in a dozen countries made a startling generality. "Czechoslovakia," he said, "is as corrupt as any country in the world." Somehow that does not conform with one's traditional idea of a country of hard-working and highly skilled professionals who for a while were among the glories of European artisanship. One would have thought that to the extent there can be such a thing as a "good Communist," the Czechoslovak would be it.

In three days, approximately thirty people approached us endeavoring to buy our dollars. My first impulse was to embrace any European who still felt a nostalgic attraction for the dollar. On the other hand, I might have been accused of trying to rape a policeman, dressed as a taxi-driver; because no doubt some of these street money-changers *are* policemen. But most of them, I learned, are not. Occasionally they set out to discipline a tourist, or a merchant, and they entrap him. Mostly, they don't care that much. Such is their hunger for dollars in any form that the state condones tacitly even the black market, knowing that whatever extra dollars are taken from tourists will eventually find their way into the state banking system.

There are, as was explained to me, three forms of currency in Czechoslovakia. The first is the official crown (let us use the English form of the word). At a bank, a tourist gets ten of these for a dollar. From a taxi-driver, you can get 22 for a dollar. In Switzerland, you can get 24 for a dollar. These cannot be used inside Czechoslovakia to buy anything imported from abroad, which means anything most Czechs want. These articles can only be bought with hard currency, or a special tuzex crown which is parceled out under certain circumstances to diplomats, merchants, or whomever. The principal working currency in Prague is: whisky and American cigarettes. That is the basis for a highly functional price system. "Who," I asked someone who had lived several years in Prague, "gets to consume the whisky?" "That's the point. No one." It is, simply, today's substitute for gold. Better than the dollar because its value goes up with inflation.

MEDICAL CARE is indifferently administered, and there are doctors who in return for their expert attentions go beyond whisky and specify the brand of cognac they prefer (this to be drunk, rather than hoarded). Those who wish to advance in the waiting list for a car, for an apartment, for whatever, need to enrich someone, with dollars, or, preferably, the whisky and cigarettes. It is an interesting question whether Czechoslovakia is to be admired for the toleration of such corruption or whether we'd admire it more if the resident commissars, emulating Mao Tse-tung, descended every season or two on the market place and took out every enterprising Czech and shot him, or sent him to a rehabilitation camp. On the whole, corruption is preferable.

"Slander in Service of Anti-Communism"! Of this I shall be accused by the Party press. On February 18 in *Rude Pravo*, the principal paper of Prague, the editor prints a letter from one Zdenek Horeni asking why the West should, as accused by *Rude Pravo*, concern itself to defame Czechoslovakia. The editor patiently explains: "Sure enough, dear reader, the West has many troubles of its own, what with the prices and threatening unemployment. But we would be naïve to think that everybody in the West had adopted the policy of peaceful coexistence and stopped thinking about ways to halt the revolutionary movement and gradually erode the socialist community. The main reason behind the smear campaigns against the world of true socialism is the effort of the bourgeoisie to turn working people at home from the temptation to embark on the course of revolution."

THIS MUCH is of course boilerplate, and there is no answering it except to sigh at the pathetic plight of the Czechoslovak people, who would be as free and as prosperous as the Swiss by now if that awful hammer and sickle were removed from their heads and their hearts. But listen to the editor go on with what passes as the real inside story behind the Iron Curtain these days: "Zbigniew Brzezinski, one of the most influential men in the present Washington Administration, calls Kissinger's tenet that peaceful agreement between the U.S. and the USSR supersedes everything else the greatest mistake of this century, and employs various means to whip up 'grass roots pressures' to take advantage of 'popular indignation.' And step by step to destabilize the socialist countries. In his view, this internal pressure needs to be supported by foreign political, economic, and ideological activities going over the heads of governments involved. This policy has unquestionably encouraged the counter-revolutionary elements in various socialist countries and given the spark of hope to assorted political shipwrecks to attempt again the impossible. Even so-called Charter 77 is tied by an umbilical cord to the coming of the new American Administration and its attempts to freeze the policy of detente."

Now that is the most reassuring thing I have heard about the Carter Administration in months. □

(Washington Star Syndicate, Inc.)

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Trans-O-Gram

By SVEND PETERSEN

DEFINITIONS

A. This sounds like a sick fenestra — 148 89 169 28 251 85 56 117 190 207

B. A place to play post office — 179 212 158 224 8 162 16 254

C. Covered with a network — 258 217 189 255 26 147

D. A lake in northern Iowa — 30 38 65 240 253 20 165

E. What Theodore Roosevelt may have enjoyed in his Long Island home — 110 87 51 115 246 261 101 125 73 155

F. A great noise and uproar, including singing — 61 103 9 42 143 242 47 272 4 262 71 93

G. One who watches for approaching airplanes — 96 187 21 133 137 194 11

H. Causing redness of the skin — 121 32 67 95 171 183 250 263 174 205 211

I. Where certain lodge members meet — 5 43 78 88 6 60 70 35

J. What a man with a green thumb might wear — 163 176 197 210 120 214 216 53 112 222

K. A trying or essaying (obsolete) — 204 172 264 269 3 223 12 63 225 170 230

L. American astronomer (1732-1796) — 213 62 66 69 92 164 201 220 113 136 186

M. Area that contains lowest point in U.S. — 236 10 231 127 151 245 257 266 146 160 55

N. One of these United States — 256 184 152 167 265 64 233

O. Frequently only half of this part of a game is played — 13 19 27 29 40

P. Hustlers — 270 168 227 134 39 150 140 17 108

Q. A party that could finish first — 248 259 182 18 105

R. He struck out Ruth, Gehrig, Foxx, Simmons, and Cronin, consecutively — 83 145 75 268 107 221 252

S. Rules governing manners and conduct — 41 157 191 102 59 116 196 215 260

T. Manner in which temperature dropped during rainstorm — 122 185 129 45 2 175 50 31 58 130 141

U. A Christian creed originating c. 400 (in Europe, although it sounds otherwise) — 208 99 57 206 235 178 142 149 229 72

V. Botanist and ornithologist who was born in England and came to U.S. in 1808; lived 1786-1859 — 226 188 118 200 180 238 267

W. His name appears in a monthly magazine's title — 237 81 48 54 68 74 128 132 139 161 173 192 198 203 243

X. To move by human force (usually feminine) — 232 123 209 219 271 181 135 239 202

Y. Personal charms — 241 52 97 124 154 77 15 23 44 34 1

Z. Studies buccaneering — 37 106 177 195 228 114 247 234 91 126

a. Karakul of Russian origin — 7 22 25 33 36 46 49 76 90

b. He talked like a Dutch uncle to David — 24 79 82 94 98 109

c. Persons in command — 86 100 111 119 144 153 156 166 199

d. He was presidential timber in 1920 — 80 84 104 131 138 159 193 218 244 249 14

DIRECTIONS

The object of TRANS-O-GRAM is to fill out the puzzle diagram by guessing the words (above) from their DEFINITIONS, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled out it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the WORDS have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's New International Dictionary*, Second Edition.

Note: Bold black lines instead of boxes indicate the ends of words for this puzzle only.

See page 422 for Solution to last Trans-O-Gram.

				1 Y	2 T	3 K	4 Γ	5 I	6 I	7 a	8 B	9 F	10 M	11 G	12 K	13 0	14 d	15 Y	16 D
17 P	18 Q	19 0	20 D	21 G	22 a	23 Y	24 b	25 a	26 C	27 0	28 A	29 0	30 D	31 T	32 H	33 a	34 Y	35 I	36 a
37 Z	38 D	39 P	40 0	41 S	42 F	43 I	44 Y	45 T	46 a	47 F	48 W	49 a	50 T	51 E	52 Y	53 J	54 W	55 M	56 A
57 U	58 T	59 S	60 I	61 F	62 L	63 K	64 N	65 D	66 L	67 H	68 W	69 L	70 I	71 F	72 U	73 E	74 W	75 R	76 a
77 Y	78 I	79 b	80 d	81 W	82 b	83 R	84 d	85 A	86 c	87 E	88 I	89 A	90 a	91 Z	92 L	93 F	94 b	95 H	96 G
97 Y	98 b	99 U	100c	101E	102S	103F	104d	105Q	106Z	107R	108P	109b	110E	111c	112J	113L	114Z	115E	116S
117A	118V	119c	120J	121H	122T	123X	124Y	125E	126Z	127M	128W	129T	130T	131a	132W	133G	134P	135X	136L
137G	138d	139W	140P	141T	142U	143F	144c	145R	146M	147C	148A	149U	150P	151M	152N	153c	154Y	155E	156c
157S	158B	159d	160M	161W	162B	163J	164L	165D	166c	167N	168P	169A	170K	171H	172K	173W	174H	175T	176J
177Z	178U	179B	180V	181X	182Q	183H	184N	185T	186L	187G	188V	189C	190A	191S	192W	193d	194G	195Z	196S
197J	198W	199c	200V	201L	202X	203W	204K	205H	206U	207A	208U	209X	210J	211H	212B	213L	214J	215S	216J
217C	218d	219X	220L	221R	222J	223K	224B	225K	226V	227P	228Z	229U	230K	231M	232X	233N	234Z	235U	236M
237W	238V	239X	240D	241Y	242F	243W	244d	245M	246E	247Z	248Q	249d	250H	251A	252R	253D	254B	255C	256N
257M	258C	259Q	260S	261E	262F	263H	264K	265N	266M	267V	268R	269K	270P	271X	272F				

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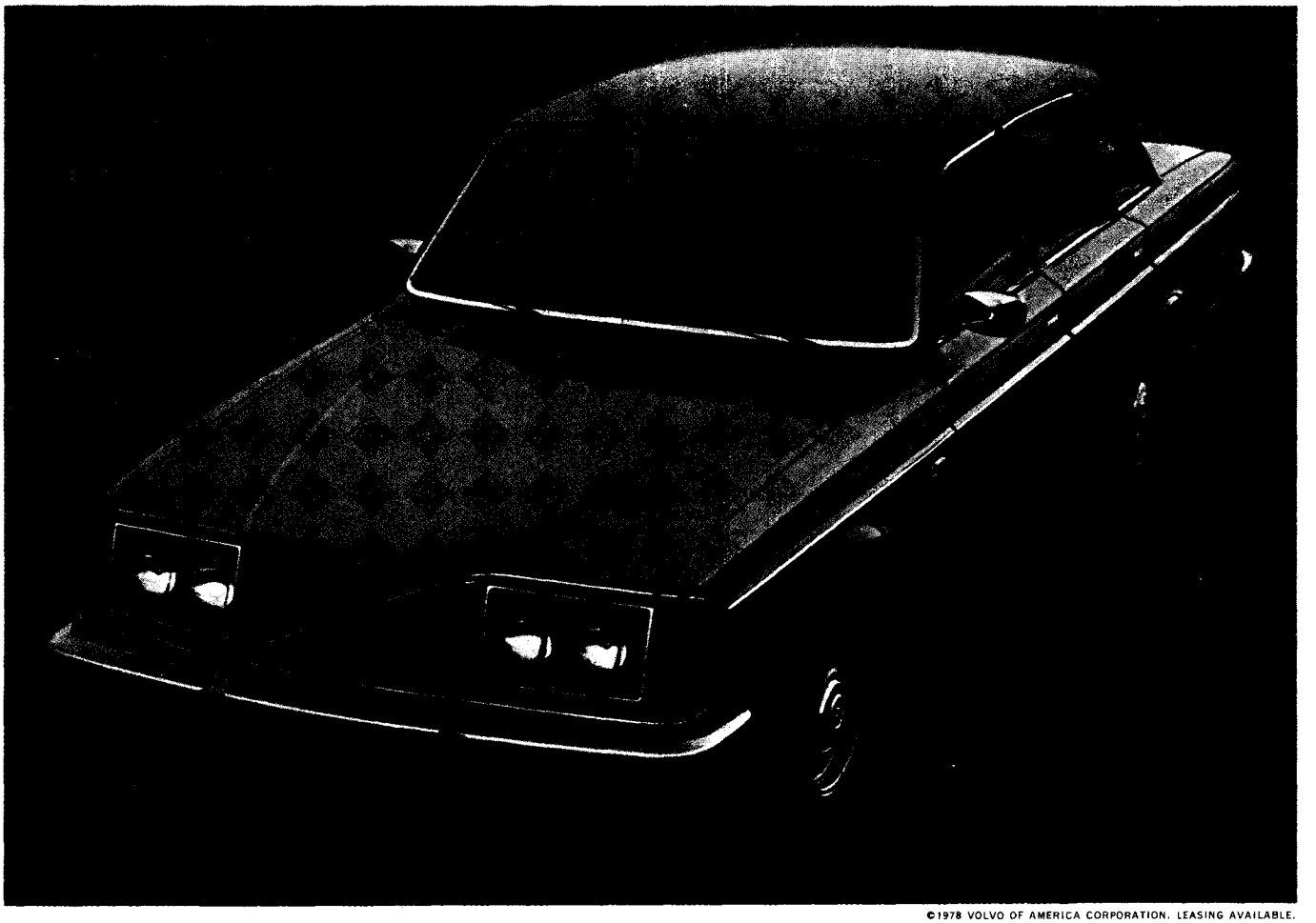
You'll also be able to understand why new Volvo owners are happier than the owners of 48 cars from G.M., Ford, Chrysler and AMC.

At a time when most Americans are fed up with the quality of new cars, we ask you: why buy a car there's a good chance you'll hate, when you can buy a car there's an even better chance you'll love?

**Survey conducted among owners of new cars bought in May, 1977.*



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